

100TH CONGRESS  
2D SESSION

# H. R. 4783

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IN THE HOUSE OF REPRESENTATIVES

JULY 27, 1988

Ordered to be printed with the amendments of the Senate numbered

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## AN ACT

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1989, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That the following sums are appropriated, out of any money  
4 in the Treasury not otherwise appropriated, for the  
5 Departments of Labor, Health and Human Services, and  
6 Education, and related agencies for the fiscal year ending  
7 September 30, 1989, and for other purposes, namely:

1 TITLE I—DEPARTMENT OF LABOR  
 2 EMPLOYMENT AND TRAINING ADMINISTRATION  
 3 PROGRAM ADMINISTRATION

4 For expenses of administering employment and training  
 5 programs, ~~(1) \$72,289,000~~ *\$71,638,000* together with not  
 6 to exceed ~~(2) \$46,607,000~~ *\$50,406,000* which may be ex-  
 7 pended from the Employment Security Administration ac-  
 8 count in the Unemployment Trust Fund.

9 TRAINING AND EMPLOYMENT SERVICES

10 For expenses necessary to carry into effect the Job  
 11 Training Partnership Act, including the purchase and hire of  
 12 passenger motor vehicles, ~~(3) \$3,705,129,000~~  
 13 *\$3,769,316,000*, plus reimbursements, to be available for ob-  
 14 ligation for the period July 1, 1989, through June 30, 1990,  
 15 of which \$59,713,000 shall be for carrying out section 401,  
 16 ~~(4) \$70,572,000~~ *\$68,172,000* shall be for carrying out sec-  
 17 tion 402, ~~(5) \$9,966,000~~ *\$9,633,000* shall be for carrying  
 18 out section 441, \$2,000,000 shall be for the National Com-  
 19 mission for Employment Policy, ~~(6) \$3,000,000~~  
 20 *\$5,000,000* shall be for all activities conducted by and  
 21 through the National Occupational Information Coordinating  
 22 Committee under the Job Training Partnership Act, ~~(7) and~~  
 23 ~~\$7,000,000 shall be for service delivery areas under section~~  
 24 ~~101(a)(4)(A)(iii) of the Job Training Partnership Act in addi-~~  
 25 ~~tion to amounts otherwise provided under sections 202 and~~  
 26 ~~251(b) of the Act~~ *(8) \$12,000,000 shall be used to begin*

1 acquisition, rehabilitation, and construction of six new Job  
2 Corps centers and \$2,500,000 shall be for programs serving  
3 American Samoans under the Job Training Partnership Act:  
4 Provided, That no funds from any other appropriation shall  
5 be used to provide meal services at or for Job Corps centers.

6       **(9)** For necessary expenses of construction, rehabilita-  
7 tion, and acquisition of Job Corps centers as authorized by  
8 the Job Training Partnership Act, \$80,916,000, to be avail-  
9 able for obligation for the period July 1, 1989 through June  
10 30, 1992.

11       For activities authorized by sections 236, 237, and 238  
12 of the Trade Act of 1974, as amended, including necessary  
13 related administrative expenses, **(10)** \$50,000,000  
14 \$47,870,000.

15       **(11)** Of the funds provided under this heading in the  
16 Department of Labor Appropriations Act, 1988, for neces-  
17 sary expenses of construction, rehabilitation, and acquisition  
18 of Job Corps centers, not to exceed \$30,000,000, may be  
19 expended as necessary, for center operations to maintain ex-  
20 isting Job Corps centers and current enrollment levels. Such  
21 funds for center operations shall be available for obligation  
22 for the period July 1, 1988 through June 30, 1989. Such  
23 transfer shall in no way reduce the obligation of the Depart-  
24 ment of Labor to comply with the provisions of Public Law  
25 100-202 for the rehabilitation and relocation of existing cen-

1 ters and the expeditious obligation of funds for the planning  
2 and construction of new centers.

3       **(12)** *The Congress recognizes the need to prepare the*  
4 *Nation's workforce for the more complex work environment of*  
5 *the United States post-industrial economy. The Congress is*  
6 *concerned with the findings of the Office of Technology As-*  
7 *essment that 25 million workers will have to upgrade their*  
8 *job skills by the end of this century. Accordingly, the Con-*  
9 *gress directs the Secretary to give priority to funding pilots*  
10 *and demonstrations and research, development, and evalua-*  
11 *tion programs that will address this urgent National priority.*

12       *Further, in recognition that upgrading the skills of*  
13 *25,000,000 workers cannot be achieved with current methods*  
14 *of teaching, the Congress directs the Secretary to fund from*  
15 *the available National activities program funds research and*  
16 *development projects using interactive laser-videodisc technol-*  
17 *ogy course materials that are specifically designed to upgrade*  
18 *"workplace literacy".*

19       COMMUNITY SERVICE EMPLOYMENT FOR OLDER

20       AMERICANS

21       To carry out the activities for national grants or con-  
22 tracts with public agencies and public or private nonprofit  
23 organizations under paragraph (1)(A) of section 506(a) of title  
24 V of the Older Americans Act of 1965, as amended,  
25 **(13)** ~~\$269,880,000~~ \$273,000,000.

1 To carry out the activities for grants to States under  
2 paragraph (3) of section 506(a) of title V of the Older Ameri-  
3 cans Act of 1965, as amended, ~~(14) \$76,120,000~~  
4 \$77,000,000.

5 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

6 For payments during the current fiscal year of benefits  
7 and payments as authorized by title II of Public Law 95-  
8 250, as amended, and of trade adjustment benefit payments  
9 and allowances, as provided by law (part I, subchapter B,  
10 chapter 2, title II of the Trade Act of 1974, as amended),  
11 \$134,000,000, together with such amounts as may be neces-  
12 sary to be charged to the subsequent appropriation for pay-  
13 ments for any period subsequent to September 15 of the cur-  
14 rent year: *Provided*, That amounts received or recovered  
15 pursuant to section 208(e) of Public Law 95-250 shall be  
16 available for payments.

17 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT  
18 SERVICE OPERATIONS

19 For activities authorized by the Act of June 6, 1933, as  
20 amended (29 U.S.C. 49-49l-1; 39 U.S.C. 3202(a)(1)(E));  
21 title III of the Social Security Act, as amended (42 U.S.C.  
22 502-504); necessary administrative expenses for carrying out  
23 5 U.S.C. 8501-8523, and sections 231-235 and 243-244,  
24 title II of the Trade Act of 1974, as amended; as authorized  
25 by section 7c of the Act of June 6, 1933, as amended, neces-  
26 sary administrative expenses under sections 101(a)(15)(H)(ii),



1 212(a)(14), and 216(g)(1)(2)(3) of the Immigration and Na-  
2 tionality Act, as amended (8 U.S.C. 1101 et seq.); and neces-  
3 sary administrative expenses to carry out the Targeted Jobs  
4 Tax Credit program under section 51 of the Internal Reve-  
5 nue Code of 1986, \$22,833,000, together with not to exceed  
6 ~~(15) \$2,472,714,000~~ *\$2,484,890,000* which may be ex-  
7 pended from the Employment Security Administration ac-  
8 count in the Unemployment Trust Fund, and of which the  
9 sums available in the basic allocation for activities authorized  
10 by title III of the Social Security Act, as amended (42  
11 U.S.C. 502-504), and the sums available in the basic alloca-  
12 tion for necessary administrative expenses for carrying out  
13 5 U.S.C. 8501-8523, shall be available for obligation by  
14 the States through December 31, 1989, and of which  
15 \$21,733,000 together with not to exceed \$751,296,000 of  
16 the amount which may be expended from said trust fund shall  
17 be available for obligation for the period July 1, 1989,  
18 through June 30, 1990, to fund activities under section 6 of  
19 the Act of June 6, 1933, as amended, including the cost of  
20 penalty mail made available to States in lieu of allotments for  
21 such purpose and of which \$157,479,000 (including not to  
22 exceed \$3,000,000 which may be used for amortization pay-  
23 ments to States which had independent retirement plans in  
24 their State employment service agencies prior to 1980) shall  
25 be available only to the extent necessary to administer unem-

1 ployment compensation laws to meet increased costs of ad-  
2 ministration resulting from changes in a State law or in-  
3 creases in the number of unemployment insurance claims  
4 filed and claims paid or increased salary costs resulting from  
5 changes in State salary compensation plans embracing em-  
6 ployees of the State generally over those upon which the  
7 State's basic allocation was based, which cannot be provided  
8 for by normal budgetary adjustments based on State obliga-  
9 tions as of December 31, 1989.

10     ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND  
11                             OTHER FUNDS

12     For repayable advances to the Unemployment Trust  
13 Fund as authorized by sections 905(d) and 1203 of the Social  
14 Security Act, as amended, and to the Black Lung Disability  
15 Trust Fund as authorized by section 9501(c)(1) of the Inter-  
16 nal Revenue Code of 1954, as amended; and for nonrepaya-  
17 ble advances to the Unemployment Trust Fund as authorized  
18 by section 8509 of title 5, United States Code, and to the  
19 "Federal unemployment benefits and allowances" account, to  
20 remain available until September 30, 1990; \$124,000,000.

21                     LABOR-MANAGEMENT SERVICES  
22                     SALARIES AND EXPENSES

23     For necessary expenses for Labor-Management Serv-  
24 ices, \$73,059,000, of which \$5,000,000 for a pension plan  
25 data base shall remain available until September 30, 1990.

## 1 PENSION BENEFIT GUARANTY CORPORATION

## 2 PENSION BENEFIT GUARANTY CORPORATION FUND

3 The Pension Benefit Guaranty Corporation is author-  
4 ized to make such expenditures, including financial assistance  
5 authorized by section 104 of Public Law 96-364, within  
6 limits of funds and borrowing authority available to such Cor-  
7 poration, and in accord with law, and to make such contracts  
8 and commitments without regard to fiscal year limitations as  
9 provided by section 104 of the Government Corporation Con-  
10 trol Act, as amended (31 U.S.C. 9104), as may be necessary  
11 in carrying out the program through September 30, 1989, for  
12 such Corporation: *Provided*, That not to exceed \$41,232,000  
13 shall be available for administrative expenses of the Corpora-  
14 tion: *Provided further*, That contractual expenses of such  
15 Corporation for legal and financial services in connection  
16 with the termination of pension plans, for the acquisition,  
17 protection or management, and investment of trust assets,  
18 and for benefits administration services shall be considered as  
19 non-administrative expenses for the purposes hereof, and  
20 excluded from the above limitation (16): *Provided further*,  
21 *That it is the sense of the Senate:*

22 (a) *To temporarily discourage the practice of pen-*  
23 *sion asset reversions by employers, Congress should*  
24 *enact a 60 percent penalty on asset reversions that will*  
25 *extend until May 1, 1989;*



1           (b) the current 10 percent penalty provision on  
2       asset reversions be paid by employers in the month fol-  
3       lowing the month in which the reversion occurs;

4           (c) the effective date of the 60 percent penalty pro-  
5       vision and the change to payment rules for the 10 per-  
6       cent penalty provision should be effective for notices of  
7       intent to terminate provided to participants on or after  
8       the date of adoption by the Senate of this amendment;

9           (d) these provisions on pension asset reversions and  
10      associated penalties will be included in appropriate  
11      revenue legislation that will be considered by the full  
12      Senate before the end of the current legislative session;  
13      and

14          (e) during the period that the 60 percent penalty  
15      provision is in effect, the four committees of jurisdic-  
16      tion in both Houses—the Senate Finance Committee,  
17      the Senate Labor and Human Resources Committee,  
18      the House Ways and Means Committee and the House  
19      Education and Labor Committee—should craft legisla-  
20      tion that addresses the important policy questions  
21      raised by employer terminations of pension plans and  
22      asset reversions.

## 1           EMPLOYMENT STANDARDS ADMINISTRATION

## 2                           SALARIES AND EXPENSES

3           For necessary expenses for the Employment Standards  
4 Administration, including reimbursement to State, Federal,  
5 and local agencies and their employees for inspection services  
6 rendered, \$214,489,000 together with \$526,000 which may  
7 be expended from the Special Fund in accordance with sec-  
8 tions 39(c) and 44(j) of the Longshore and Harbor Workers'  
9 Compensation Act.

## 10                           SPECIAL BENEFITS

## 11                           (INCLUDING TRANSFER OF FUNDS)

12           For the payment of compensation, benefits, and ex-  
13 penses (except administrative expenses) accruing during the  
14 current or any prior fiscal year authorized by title V, chapter  
15 81 of the United States Code; continuation of benefits as pro-  
16 vided for under the head "Civilian War Benefits" in the Fed-  
17 eral Security Agency Appropriation Act, 1947; the Employ-  
18 ees' Compensation Commission Appropriation Act, 1944;  
19 and sections 4(c) and 5(f) of the War Claims Act of 1948 (50  
20 U.S.C. App. 2012); and 50 per centum of the additional com-  
21 pensation and benefits required by section 10(h) of the Long-  
22 shore and Harbor Workers' Compensation Act, as amended,  
23 (17) ~~\$292,000,000~~ \$255,000,000, together with such  
24 amounts as may be necessary to be charged to the subse-  
25 quent year appropriation for the payment of compensation  
26 and other benefits for any period subsequent to September 15

1 of the current year: *Provided*, That in addition there shall be  
 2 transferred from the Postal Service fund to this appropriation  
 3 such sums as the Secretary of Labor determines to be the  
 4 cost of administration for Postal Service employees through  
 5 September 30, 1989.

6           BLACK LUNG DISABILITY TRUST FUND

7                   (INCLUDING TRANSFER OF FUNDS)

8       For payments from the Black Lung Disability Trust  
 9 Fund, ~~(18)\$688,214,000~~ \$691,394,000, of which  
 10 \$633,435,000 shall be available until September 30, 1990,  
 11 for payment of all benefits as authorized by section 9501(d)  
 12 (1), (2), and (7) of the Internal Revenue Code of 1954, as  
 13 amended, and of which \$30,210,000 shall be available for  
 14 transfer to Employment Standards Administration, Salaries  
 15 and Expenses, and ~~(19)\$24,054,000~~ \$27,234,000 for  
 16 transfer to Departmental Management, Salaries and Ex-  
 17 penses, and \$515,000 for transfer to Departmental Manage-  
 18 ment, Office of Inspector General, for expenses of operation  
 19 and administration of the Black Lung Benefits program as  
 20 authorized by section 9501(d)(5)(A) of that Act: *Provided*,  
 21 That in addition, such amounts as may be necessary may be  
 22 charged to the subsequent year appropriation for the payment  
 23 of compensation or other benefits for any period subsequent  
 24 to June 15 of the current year: *Provided further*, That in  
 25 addition, such amounts shall be paid from this fund into mis-

1 cellaneous receipts as the Secretary of the Treasury deter-  
 2 mines to be the administrative expenses of the Department of  
 3 the Treasury for administering the fund during the current  
 4 fiscal year, as authorized by section 9501(d)(5)(B) of that  
 5 Act.

6 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
 7 SALARIES AND EXPENSES

8 For necessary expenses for the Occupational Safety and  
 9 Health Administration, ~~(20)\$246,517,000~~ \$246,851,000,  
 10 including not to exceed ~~(21)\$43,000,000~~ \$42,334,000,  
 11 which shall be the maximum amount available for grants to  
 12 States under section 23(g) of the Occupational Safety and  
 13 Health Act, which grants shall be no less than fifty percent of  
 14 the costs of State occupational safety and health programs  
 15 required to be incurred under plans approved by the Secre-  
 16 tary under section 18 of the Occupational Safety and Health  
 17 Act of 1970: *Provided*, That none of the funds appropriated  
 18 under this paragraph shall be obligated or expended for the  
 19 assessment of civil penalties issued for first instance viola-  
 20 tions of any standard, rule, or regulation promulgated under  
 21 the Occupational Safety and Health Act of 1970 (other than  
 22 serious, willful, or repeated violations under section 17 of the  
 23 Act) resulting from the inspection of any establishment or  
 24 workplace subject to the Act, unless such establishment or  
 25 workplace is cited, on the basis of such inspection, for ten or

1 more violations: *Provided further*, That none of the funds ap-  
2 propriated under this paragraph shall be obligated or expend-  
3 ed to prescribe, issue, administer, or enforce any standard,  
4 rule, regulation, or order under the Occupational Safety and  
5 Health Act of 1970 which is applicable to any person who is  
6 engaged in a farming operation which does not maintain a  
7 temporary labor camp and employs ten or fewer employees:  
8 *Provided further*, That none of the funds appropriated under  
9 this paragraph shall be obligated or expended to prescribe,  
10 issue, administer, or enforce any standard, rule, regulation,  
11 order or administrative action under the Occupational Safety  
12 and Health Act of 1970 affecting any work activity by reason  
13 of recreational hunting, shooting, or fishing: *Provided further*,  
14 That no funds appropriated under this paragraph shall be ob-  
15 ligated or expended to administer or enforce any standard,  
16 rule, regulation, or order under the Occupational Safety and  
17 Health Act of 1970 with respect to any employer of ten or  
18 fewer employees who is included within a category having an  
19 occupational injury lost work day case rate, at the most pre-  
20 cise Standard Industrial Classification Code for which such  
21 data are published, less than the national average rate as  
22 such rates are most recently published by the Secretary,  
23 acting through the Bureau of Labor Statistics, in accordance  
24 with section 24 of that Act (29 U.S.C. 673), except—



1           (1) to provide, as authorized by such Act, consul-  
2           tation, technical assistance, educational and training  
3           services, and to conduct surveys and studies;

4           (2) to conduct an inspection or investigation in re-  
5           sponse to an employee complaint, to issue a citation for  
6           violations found during such inspection, and to assess a  
7           penalty for violations which are not corrected within a  
8           reasonable abatement period and for any willful viola-  
9           tions found;

10          (3) to take any action authorized by such Act  
11          with respect to imminent dangers;

12          (4) to take any action authorized by such Act  
13          with respect to health hazards;

14          (5) to take any action authorized by such Act  
15          with respect to a report of an employment accident  
16          which is fatal to one or more employees or which re-  
17          sults in hospitalization of five or more employees, and  
18          to take any action pursuant to such investigation au-  
19          thorized by such Act; and

20          (6) to take any action authorized by such Act  
21          with respect to complaints of discrimination against  
22          employees for exercising rights under such Act:

23   *Provided further*, That the foregoing proviso shall not apply  
24   to any person who is engaged in a farming operation which  
25   does not maintain a temporary labor camp and employs ten

1 or fewer employees: *Provided further*, That none of the funds  
2 appropriated under this paragraph shall be obligated or ex-  
3 pended for the proposal or assessment of any civil penalties  
4 for the violation or alleged violation by an employer of ten or  
5 fewer employees of any standard, rule, regulation, or order  
6 promulgated under the Occupational Safety and Health Act  
7 of 1970 (other than serious, willful or repeated violations and  
8 violations which pose imminent danger under section 13 of  
9 the Act) if, prior to the inspection which gives rise to the  
10 alleged violation, the employer cited has (1) voluntarily re-  
11 quested consultation under a program operated pursuant to  
12 section 7(c)(1) or section 18 of the Occupational Safety and  
13 Health Act of 1970 or from a private consultative source  
14 approved by the Administration and (2) had the consultant  
15 examine the condition cited and (3) made or is in the process  
16 of making a reasonable good faith effort to eliminate the  
17 hazard created by the condition cited as such, which was  
18 identified by the aforementioned consultant, unless changing  
19 circumstances or workplace conditions render inapplicable  
20 the advice obtained from such consultants: *Provided further*,  
21 That none of the funds appropriated under this paragraph  
22 may be obligated or expended for any State plan monitoring  
23 visit by the Secretary of Labor under section 18 of the Occu-  
24 pational Safety and Health Act of 1970, of any factory,  
25 plant, establishment, construction site, or other area, work-

1 place or environment where such a workplace or environ-  
2 ment has been inspected by an employee of a State acting  
3 pursuant to section 18 of such Act within the six months  
4 preceding such inspection: *Provided further*, That this limita-  
5 tion does not prohibit the Secretary of Labor from conducting  
6 such monitoring visit at the time and place of an inspection  
7 by an employee of a State acting pursuant to section 18 of  
8 such Act, or in order to investigate a complaint about State  
9 program administration including a failure to respond to a  
10 worker complaint regarding a violation of such Act, or in  
11 order to investigate a discrimination complaint under section  
12 11(c) of such Act, or as part of a special study monitoring  
13 program, or to investigate a fatality or catastrophe.

#### 14 MINE SAFETY AND HEALTH ADMINISTRATION

##### 15 SALARIES AND EXPENSES

16 For necessary expenses for the Mine Safety and Health  
17 Administration, \$164,597,000, including purchase and be-  
18 stowal of certificates and trophies in connection with mine  
19 rescue and first-aid work, and the purchase of not to exceed  
20 twenty passenger motor vehicles for replacement only; the  
21 Secretary is authorized to accept lands, buildings, equipment,  
22 and other contributions from public and private sources and  
23 to prosecute projects in cooperation with other agencies,  
24 Federal, State, or private; the Mine Safety and Health Ad-  
25 ministration is authorized to promote health and safety edu-

1 cation and training in the mining community through cooper-  
2 ative programs with States, industry, and safety associations;  
3 and any funds available to the Department may be used, with  
4 the approval of the Secretary, to provide for the costs of mine  
5 rescue and survival operations in the event of major disaster:  
6 *Provided*, That none of the funds appropriated under this  
7 paragraph shall be obligated or expended to carry out section  
8 115 of the Federal Mine Safety and Health Act of 1977 or to  
9 carry out that portion of section 104(g)(1) of such Act relat-  
10 ing to the enforcement of any training requirements, with  
11 respect to shell dredging, or with respect to any sand, gravel,  
12 surface stone, surface clay, colloidal phosphate, or surface  
13 limestone mine.

14 BUREAU OF LABOR STATISTICS

15 SALARIES AND EXPENSES

16 For necessary expenses for the Bureau of Labor Statis-  
17 tics, including advances or reimbursements to State, Federal,  
18 and local agencies and their employees for services rendered,  
19 \$190,397,000, of which \$2,829,000 shall be for expenses of  
20 revising the Standard Industrial Classification, together with  
21 not to exceed \$46,323,000, which may be expended from the  
22 Employment Security Administration account in the Unem-  
23 ployment Trust Fund: *Provided*, That \$3,550,000 shall  
24 remain available until September 30, 1990.

## 1 DEPARTMENTAL MANAGEMENT

## 2 SALARIES AND EXPENSES

3 For necessary expenses for Departmental Management,  
4 including the hire of 5 sedans, and including \$2,468,000 for  
5 the President's Committee on Employment of the Handi-  
6 capped, (22) ~~\$117,339,000~~ \$118,839,000, together with  
7 not to exceed \$285,000 which may be expended from the  
8 Employment Security Administration account in the Unem-  
9 ployment Trust Fund.

## 10 ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND

## 11 TRAINING

12 Not to exceed (23) ~~\$148,887,000~~ \$160,006,000 may  
13 be derived from the Employment Security Administration ac-  
14 count in the Unemployment Trust Fund to carry out the pro-  
15 visions of 38 U.S.C. 2001-08 and 2021-26.

## 16 OFFICE OF THE INSPECTOR GENERAL

17 For salaries and expenses of the Office of the Inspector  
18 General in carrying out the provisions of the Inspector Gen-  
19 eral Act of 1978, (24) ~~\$39,497,000~~ \$40,222,000, together  
20 with not to exceed \$5,701,000, which may be expended from  
21 the Employment Security Administration account in the Un-  
22 employment Trust Fund.

## 23 GENERAL PROVISIONS

24 SEC. 101. Appropriations in this Act available for sala-  
25 ries and expenses shall be available for supplies, services, and  
26 rental of conference space within the District of Columbia, as



1 the Secretary of Labor shall deem necessary for settlement of  
2 labor-management disputes.

3 SEC. 102. None of the funds appropriated under this  
4 Act shall be used to grant variances, interim orders or letters  
5 of clarification to employers which will allow exposure of  
6 workers to chemicals or other workplace hazards in excess of  
7 existing Occupational Safety and Health Administration  
8 standards for the purpose of conducting experiments on  
9 workers health or safety.

10 ~~(25) SEC. 103. None of the funds appropriated in this~~  
11 ~~Act shall be obligated or expended for the purpose of closing~~  
12 ~~any Job Corps Center operating under part B of title IV of~~  
13 ~~the Job Training Partnership Act prior to January 1, 1990.~~

14 SEC. ~~(26)~~104 103. Notwithstanding any other provi-  
15 sion of this Act, no funds appropriated by this Act may be  
16 used to execute or carry out any contract with a non-govern-  
17 mental entity to administer or manage a Civilian Conserva-  
18 tion Center of the Job Corps which was not under such a  
19 contract as of September 1, 1984.

20 SEC. ~~(27)~~105 104. None of the funds appropriated in  
21 this Act shall be used by the Job Corps program to pay the  
22 expenses of legal counsel or representation in any criminal  
23 case or proceeding for a Job Corps participant, unless certi-  
24 fied to and approved by the Secretary of Labor that a public  
25 defender is not available.

1 This title may be cited as the “Department of Labor  
2 Appropriations Act, 1989”.

3 TITLE II—DEPARTMENT OF HEALTH AND  
4 HUMAN SERVICES

5 HEALTH RESOURCES AND SERVICES ADMINISTRATION

6 HEALTH RESOURCES AND SERVICES

7 PROGRAM OPERATIONS

8 For carrying out titles III, VII, ~~(28)~~ VIII, X, XVI,  
9 and XXIII of the Public Health Service Act, section 427(a)  
10 of the Federal Coal Mine Health and Safety Act, title V and  
11 section 1110 of the Social Security Act, ~~(29)~~ *and title IV of*  
12 *the Health Care Quality Improvement Act of 1986, as*  
13 *amended, (30)* ~~\$769,554,000~~ \$1,642,685,000, of which not  
14 to exceed ~~(31)~~ ~~\$800,000~~ \$1,000,000, to remain available  
15 until expended, shall be available for renovating the Gillis W.  
16 Long Hansen’s Disease Center, 42 U.S.C. 247e, and of  
17 which \$500,000 shall remain available until expended for in-  
18 terest subsidies on loan guarantees made prior to fiscal year  
19 1981 under part B of title VII of the Public Health Service  
20 Act ~~(32)~~ ~~and of which \$5,000,000 shall be made available~~  
21 ~~until expended to make grants under section 1610(b) of the~~  
22 ~~Public Health Service Act for renovation or construction of~~  
23 ~~non-acute care intermediate and long term care facilities for~~  
24 ~~AIDS patients (33)~~ *and of which \$20,800,000 shall be*  
25 *available for an infant mortality initiative funded through*  
26 *the community health centers and migrant health centers:*

1 *Provided*, That grants made under the Excellence in Minority  
 2 Health Education and Care Act shall be awarded competi-  
 3 tively and, notwithstanding section 788A, any university  
 4 which awards a graduate degree in the health professions and  
 5 which has a majority enrollment of minority students shall be  
 6 eligible to apply and compete for a grant: *Provided further*,  
 7 That not to exceed \$10,000,000 of funds returned to the  
 8 Secretary pursuant to section 839(c) of the Public Health  
 9 Service Act or pursuant to a loan agreement under section  
 10 740 or 835 of the Act may be used for activities under titles  
 11 III, VII, and VIII of the Act (34): ~~*Provided further*, That~~  
 12 ~~when the Department of Health and Human Services admin-~~  
 13 ~~isters or operates an employee health program for any Feder-~~  
 14 ~~al department or agency, payment for the full estimated cost~~  
 15 ~~shall be made by way of reimbursement or in advances to this~~  
 16 ~~appropriation~~: *Provided further*, That amounts received pur-  
 17 suant to these provisions of law in accordance with 31  
 18 U.S.C. 9701 may be credited to appropriations under this  
 19 heading, notwithstanding 31 U.S.C. 3302 and shall remain  
 20 available until expended (35): *Provided further*, That the  
 21 provisions of section 741(i) of the Public Health Service Act  
 22 shall also apply to schools participating in the Nursing Stu-  
 23 dent Loan Program or lenders participating in the Health  
 24 Education Assistance Loan Program: *Provided further*, That  
 25 during fiscal year 1989, and within the resources and author-

1 ity available under section 338 of the Public Health Service  
 2 Act, gross obligations for the principal amount of direct loans  
 3 under sections 335(c), 338C(e)(1), and 338E of that Act shall  
 4 not exceed \$500,000.

5 MEDICAL FACILITIES GUARANTEE AND LOAN FUND

6 FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

7 For carrying out subsections (d) and (e) of section 1602  
 8 of the Public Health Service Act, \$21,600,000, together  
 9 with any amounts received by the Secretary in connection  
 10 with loans and loan guarantees under title VI of the Public  
 11 Health Service Act, to be available without fiscal year limita-  
 12 tion for the payment of interest subsidies. During the fiscal  
 13 year, no commitments for direct loans or loan guarantees  
 14 shall be made.

15 CENTERS FOR DISEASE CONTROL

16 DISEASE CONTROL, RESEARCH, AND TRAINING

17 To carry out title III, ~~(36)~~ XVII, XIX, and section  
 18 1102 of the Public Health Service Act, sections 101, 102,  
 19 103, 201, 202, and 203 of the Federal Mine Safety and  
 20 Health Act of 1977, and sections 20, 21, and 22 of the Occu-  
 21 pational Safety and Health Act of 1970; including insurance  
 22 of official motor vehicles in foreign countries; and hire, main-  
 23 tenance, and operation of aircraft, ~~(37)~~ \$819,941,000  
 24 \$979,357,000, of which \$2,000,000 shall remain available  
 25 until expended for equipment and construction and renova-  
 26 tion of facilities: *Provided*, That training ~~(38)~~ of private per-



1 sons shall be made subject to reimbursement or advances to  
 2 this appropriation for not in excess of the full cost of such  
 3 training: *Provided further*, That funds appropriated under  
 4 this heading shall be available for payment of the costs of  
 5 medical care, related expenses, and burial expenses hereafter  
 6 incurred by or on behalf of any person who had participated  
 7 in the study of untreated syphilis initiated in Tuskegee, Ala-  
 8 bama, in 1932, in such amounts and subject to such terms  
 9 and conditions as prescribed by the Secretary of Health and  
 10 Human Services and for payment, in such amounts and sub-  
 11 ject to such terms and conditions, of such costs and expenses  
 12 hereafter incurred by or on behalf of such person's wife or  
 13 offspring determined by the Secretary to have suffered injury  
 14 or disease from syphilis contracted from such person: *Provid-*  
 15 *ed further*, That collections from user fees (39), ~~including~~  
 16 ~~collections from training and reimbursements and advances~~  
 17 ~~for the full cost of proficiency testing of private clinical lab-~~  
 18 ~~oratories~~, may be credited to this appropriation: *Provided*  
 19 *further*, That amounts received by the National Center for  
 20 Health Statistics from reimbursable and interagency agree-  
 21 ments and the sale of data tapes may be credited to this  
 22 appropriation and shall remain available until expended: *Pro-*  
 23 *vided further*, That in addition to amounts provided herein,  
 24 up to \$12,486,000 shall be available from amounts available  
 25 under section 2313 of the Public Health Service Act, to



1 carry out the National Health and Nutrition Examination  
2 Survey (40): *Provided further, That employees of the*  
3 *Public Health Service, both civilian and Commissioned Offi-*  
4 *cer, detailed to States or municipalities as assignees under*  
5 *authority of section 214 of the Public Health Service Act in*  
6 *the instance where in excess of 50 percent of salaries and*  
7 *benefits of the assignee is paid directly or indirectly by the*  
8 *State or municipality shall be treated as non-Federal em-*  
9 *ployees for reporting purposes only. In addition, the full-time*  
10 *equivalents for organizations within the Department of*  
11 *Health and Human Services shall not be reduced to accom-*  
12 *modate implementation of this provision (41): *Provided fur-**  
13 *ther, That the office building at the Centers for Disease Con-*  
14 *trol (CDC) Clifton Road site in Atlanta, Georgia and the*  
15 *laboratory facility in Chamblee, Georgia, referred to in the*  
16 *CENTERS FOR DISEASE CONTROL—DISEASE CONTROL,*  
17 *RESEARCH AND TRAINING APPROPRIATION appearing in*  
18 *Title II of the Departments of Labor, Health and Human*  
19 *Services, and Education, and Related Agencies Appropria-*  
20 *tion Act for the fiscal year ending September 30, 1988,*  
21 *Public Law 100-202, December 22, 1987, 101 Stat. 1329-*  
22 *264—1329-265, shall be constructed in conformity with*  
23 *design plans prepared by the CDC, and shall be acquired*  
24 *without regard to the provisions of the Public Buildings Act*  
25 *of 1959 regarding prospectus approval by lease-purchase con-*

1 tracts entered into by the General Services Administration  
 2 prior to their construction using funds appropriated annually  
 3 to GSA from the Federal Buildings Fund for the rental of  
 4 space which shall hereafter be available for this purpose. The  
 5 contracts shall provide for the payment of the purchase price  
 6 and reasonable interest thereon by lease or installment pay-  
 7 ments over a period not to exceed 30 years. The contracts  
 8 shall further provide that title to the buildings shall vest in  
 9 the United States at or before expiration of the contract term  
 10 upon fulfillment of the terms and conditions of the contracts.  
 11 The Federal Buildings Fund shall be reimbursed from the  
 12 annual appropriations to the CENTERS FOR DISEASE CON-  
 13 TROL—DISEASE CONTROL, RESEARCH, AND TRAINING  
 14 (or any other appropriation hereafter made available to the  
 15 CDC for construction of facilities) and such appropriations  
 16 shall be hereafter available for the purpose of reimbursing the  
 17 Federal Buildings Fund. Obligations of funds under these  
 18 transactions shall be limited to the current fiscal year for  
 19 which payments are due without regard to 31 U.S.C. sec-  
 20 tions 1502 and 1341(a)(1)(B).

21 NATIONAL INSTITUTES OF HEALTH

22 NATIONAL CANCER INSTITUTE

23 For carrying out section 301 (42) and title IV of the  
 24 Public Health Service Act with respect to cancer,  
 25 (43) ~~\$1,489,897,000~~ \$1,591,036,000 (44); of which at

1 *least \$75,000,000 shall be available only for cancer preven-*  
 2 *tion and control.*

3 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

4 For carrying out sections 301 and 1105 (45) *and title*  
 5 *IV* of the Public Health Service Act with respect to car-  
 6 diovascular, lung, and blood diseases, and blood and blood  
 7 products, (46) ~~\$1,018,983,000~~ \$1,056,003,000.

8 NATIONAL INSTITUTE OF DENTAL RESEARCH

9 For carrying out section 301 (47) *and title IV* of the  
 10 Public Health Service Act with respect to dental diseases,  
 11 (48) ~~\$127,315,000~~ \$132,578,000.

12 (49) *SEC. 200. None of the funds made available*  
 13 *under this Act shall be used to require any person or entity to*  
 14 *perform, or facilitate in any way the performance of any*  
 15 *abortion.*

16 NATIONAL INSTITUTE OF DIABETES, AND DIGESTIVE AND  
 17 KIDNEY DISEASES

18 For carrying out section 301 (50) *and title IV* of the  
 19 Public Health Service Act with respect to diabetes and diges-  
 20 tive and kidney diseases, (51) ~~\$546,902,000~~ \$565,908,000.

21 NATIONAL INSTITUTE OF NEUROLOGICAL (52) ~~AND~~

22 ~~COMMUNICATIVE~~ DISORDERS AND STROKE

23 For carrying out section 301 (53) *and title IV* of the  
 24 Public Health Service Act with respect to neurological  
 25 (54) *and communicative disorders and stroke,*  
 26 (55) ~~\$557,046,000~~ \$477,878,000.

1    **(56)** NATIONAL INSTITUTE ON DEAFNESS AND OTHER  
 2                                   COMMUNICATION DISORDERS

3       *For carrying out section 301 and title IV of the Public*  
 4 *Health Service Act with respect to deafness and other com-*  
 5 *munication disorder, \$96,100,000.*

6       NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS  
 7                                   DISEASES

8       *For carrying out section 301 (57) and title IV of the*  
 9 *Public Health Service Act with respect to allergy and infec-*  
 10 *tious diseases, (58) ~~\$732,453,000~~ \$758,352,000.*

11       NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

12       *For carrying out section 301 (59) and title IV of the*  
 13 *Public Health Service Act with respect to general medical*  
 14 *sciences, (60) ~~\$622,087,000~~ \$690,653,000.*

15       NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN  
 16                                   DEVELOPMENT

17       *For carrying out section 301 (61) and title IV of the*  
 18 *Public Health Service Act with respect to child health and*  
 19 *human development, (62) ~~\$407,650,000~~ \$431,388,000.*

20       NATIONAL EYE INSTITUTE

21       *For carrying out section 301 (63) and title IV of the*  
 22 *Public Health Service Act with respect to eye diseases and*  
 23 *visual disorders, (64) ~~\$228,235,000~~ \$234,218,000.*

1 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH  
2 SCIENCES

3 For carrying out sections 301 and 311 (65) *and title*  
4 *IV* of the Public Health Service Act with respect to environ-  
5 mental health sciences, (66) ~~\$216,985,000~~ \$223,168,000.

6 NATIONAL INSTITUTE ON AGING

7 For carrying out section 301 (67) *and title IV* of the  
8 Public Health Service Act with respect to aging,  
9 (68) ~~\$202,096,000~~ \$225,578,000.

10 NATIONAL INSTITUTE OF ARTHRITIS AND  
11 MUSCULOSKELETAL AND SKIN DISEASES

12 For carrying out section 301 (69) *and title IV* of the  
13 Public Health Service Act with respect to arthritis, and mus-  
14 culoskeletal and skin diseases, (70) ~~\$156,174,000~~  
15 \$161,931,000.

16 RESEARCH RESOURCES

17 For carrying out section 301 (71) *and title IV* of the  
18 Public Health Service Act with respect to research re-  
19 sources and general research support grants,  
20 (72) ~~\$355,767,000~~ \$367,987,000, (73) *of which*  
21 *\$10,000,000 shall remain available until expended to pro-*  
22 *vide for the repair, renovation, modernization, and expansion*  
23 *of existing facilities and purchase of associated equipment,*  
24 *and to make grants and enter into contracts for such pur-*  
25 *poses: Provided, That none of these funds, with the exception*  
26 *of funds for the Minority Biomedical Research Support pro-*



1 gram, shall be used to pay recipients of the general research  
 2 support grants program any amount for indirect expenses in  
 3 connection with such grants.

4 NATIONAL CENTER FOR NURSING RESEARCH

5 For carrying out section 301 (74) *and title IV* of the  
 6 Public Health Service Act with respect to nursing research,  
 7 (75) ~~\$27,417,000~~ \$28,107,000.

8 JOHN E. FOGARTY INTERNATIONAL CENTER

9 For carrying out the activities at the John E. Fogarty  
 10 International Center, (76) ~~\$16,074,000~~ \$16,474,000, of  
 11 which \$1,852,000 shall be available for payment to the  
 12 Gorgas Memorial Institute (77) *for maintenance and oper-*  
 13 *ation of the Gorgas Memorial Laboratory.*

14 NATIONAL LIBRARY OF MEDICINE

15 For carrying out section 301 (78) *and title IV* of the  
 16 Public Health Service Act with respect to health information  
 17 communications, (79) ~~\$64,836,000~~ \$70,626,000.

18 OFFICE OF THE DIRECTOR

19 For carrying out the responsibilities of the Office of  
 20 the Director, National Institutes of Health,  
 21 (80) ~~\$71,578,000~~ \$65,578,000 including purchase of not to  
 22 exceed five passenger motor vehicles for replacement only  
 23 (81): *Provided further, That \$6,000,000 of this amount be*  
 24 *used to support an additional 200 full-time equivalent posi-*  
 25 *tions (FTEs) for a total level of no less than 13,102 FTEs*

1 *to be distributed throughout the National Institutes of*  
 2 *Health.*

3 BUILDINGS AND FACILITIES

4 For construction of, and acquisition of equipment for,  
 5 facilities of or used by the National Institutes of Health,  
 6 ~~(82)\$20,000,000~~ \$12,500,000, to remain available until  
 7 expended ~~(83)~~ of which \$2,500,000 shall be available only  
 8 for the Frederick Cancer Research Facility.

9 ~~(84)~~ Notwithstanding any other provision of this Act,  
 10 AIDS education programs funded by the Centers for Disease  
 11 Control and other education curricula funded under this Act  
 12 dealing with sexual activity—

13 (1) shall not be designed to promote or en-  
 14 courage, directly, intravenous drug abuse or  
 15 sexual activity, homosexual or heterosexual, and

16 (2) in addition, with regard to AIDS educa-  
 17 tion programs and curricula—

18 (A) shall be designed to reduce exposure  
 19 to and transmission of the etiologic agent for  
 20 acquired immune deficiency syndrome by  
 21 providing accurate information, and

22 (B) shall provide information on the  
 23 health risks of promiscuous sexual activity  
 24 and intravenous drug abuse.

## 1 ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

## 2 ADMINISTRATION

## 3 ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

4 For carrying out the Public Health Service Act with  
5 respect to mental health, drug abuse, alcohol abuse, and alco-  
6 holism, ~~(85)\$507,594,000~~ and the Protection and Advocacy  
7 for Mentally Ill Individuals Act of 1986, \$1,583,191,000,  
8 of which \$4,787,000 shall be available, on a pro rata basis,  
9 for grants to the States for State comprehensive mental  
10 health services plans pursuant to title V of Public Law 99-  
11 660 (100 Stat. 3794-3797), of which \$200,000 for renova-  
12 tion of government owned or leased intramural research fa-  
13 cilities shall remain available until expended (86), and of  
14 which \$250,000 shall be available for advisory services relat-  
15 ing to alcohol.

## 16 FEDERAL SUBSIDY FOR SAINT ELIZABETHS HOSPITAL

17 To carry out the Saint Elizabeths Hospital and District  
18 of Columbia Mental Health Services Act, \$24,000,000 which  
19 shall be available in fiscal year 1989 for payments to the  
20 District of Columbia as authorized by section 9(a) of the Act:  
21 *Provided*, That any amounts determined by the Secretary of  
22 Health and Human Services to be in excess of the amounts  
23 requested and estimated to be necessary to carry out sections  
24 6 and 9(f)(2) of the Act shall be returned to the Treasury.

25 In fiscal year 1989 and thereafter, the maximum  
26 amount available to Saint Elizabeths Hospital from Federal

1 sources shall not exceed the total of the following amounts:  
 2 the appropriations made under this heading, amounts billed  
 3 to Federal agencies and entities by the District of Columbia  
 4 for services provided at Saint Elizabeths Hospital, and  
 5 amounts authorized by titles XVIII and XIX of the Social  
 6 Security Act. This maximum amount shall not include Feder-  
 7 al funds appropriated to the District of Columbia under "Fed-  
 8 eral Payment to the District of Columbia" and payments  
 9 made pursuant to section 9(c) of Public Law 98-621.  
 10 Amounts chargeable to and available from Federal sources  
 11 for inpatient and outpatient services provided through Saint  
 12 Elizabeths Hospital as authorized by 24 U.S.C. 191, 196,  
 13 211, 212, 222, 253, and 324; 31 U.S.C. 1535; and 42  
 14 U.S.C. 249 and 251 shall not exceed the estimated total cost  
 15 of such services as computed using only the proportionate  
 16 amount of the direct Federal subsidy appropriated under this  
 17 heading.

18 OFFICE OF ASSISTANT SECRETARY FOR HEALTH

19 PUBLIC HEALTH SERVICE MANAGEMENT

20 For the expenses necessary for the Office of Assistant  
 21 Secretary for Health and for carrying out title III,  
 22 (87) XVII, and XX of the Public Health Service Act,  
 23 (88) ~~\$67,144,000~~ \$69,903,000, together with not to  
 24 exceed \$1,050,000 to be transferred and expended as author-  
 25 ized by section 201(g) of the Social Security Act from the

1 Federal Hospital Insurance and the Federal Supplementary  
 2 Medical Insurance Trust Funds referred to therein and  
 3 ~~(89)\$3,950,000~~ \$7,500,000 to be transferred and expend-  
 4 ed for patient outcome assessment research as authorized by  
 5 section 9316 of Public Law 99-509, of which  
 6 ~~(90)\$2,568,000~~ \$4,875,000 will come from the Federal  
 7 Hospital Insurance Trust Fund and ~~(91)\$1,382,000~~  
 8 \$2,625,000 will come from the Federal Supplementary Medi-  
 9 cal Insurance Trust Fund, and, in addition, amounts received  
 10 from Freedom of Information Act fees, reimbursable and  
 11 interagency agreements and the sale of data tapes shall be  
 12 credited to this appropriation and shall remain available until  
 13 expended: *Provided*, That in addition to amounts provided  
 14 herein, up to \$10,155,000 shall be available from amounts  
 15 available under section 2313 of the Public Health Service  
 16 Act, to carry out the National Medical Expenditure Survey.

17 RETIREMENT PAY AND MEDICAL BENEFITS FOR

18 COMMISSIONED OFFICERS

19 For retirement pay and medical benefits of Public  
 20 Health Service Commissioned Officers as authorized by law,  
 21 and for payments under the Retired Serviceman's Family  
 22 Protection Plan and Survivor Benefit Plan and for medical  
 23 care of dependents and retired personnel under the Depend-  
 24 ents' Medical Care Act (10 U.S.C. ch. 55), and for payments  
 25 pursuant to section 229(b) of the Social Security Act (42



1 U.S.C. 429(b)), such amounts as may be required during the  
2 current fiscal year.

3 VACCINE INJURY COMPENSATION TRUST FUND

4 For payments from the Vaccine Injury Compensation  
5 Trust Fund, such sums as may be necessary for claims asso-  
6 ciated with vaccine-related injury or death resolved during  
7 the current fiscal year with respect to vaccines administered  
8 after September 30, 1988, pursuant to subtitle 2 of title XXI  
9 of the Public Health Service Act as amended by Public Law  
10 100-203, and from such trust fund such sums as may be  
11 necessary, not to exceed \$80,000,000, for compensation of  
12 claims adjudicated by the United States Claims Court arising  
13 from liability related to the administration of vaccines before  
14 October 1, 1988 (92): ~~Provided, That administrative ex-~~  
15 ~~penses of the Department of Health and Human Services~~  
16 ~~under the National Childhood Vaccine Injury Act of 1986~~  
17 ~~shall be reimbursed from the Trust Fund.~~

18 HEALTH CARE FINANCING ADMINISTRATION

19 GRANTS TO STATES FOR MEDICAID

20 For carrying out, except as otherwise provided, titles  
21 XI and XIX of the Social Security Act,  
22 (93) ~~\$24,732,589,000~~ \$26,236,000,000 to remain available  
23 until expended.

24 For making, after May 31, payments to States under  
25 title XIX of the Social Security Act for the last quarter of

1 fiscal year 1989 for unanticipated costs, incurred for the cur-  
 2 rent fiscal year, such sums as may be necessary.

3 Payment under title XIX may be made for any quarter  
 4 beginning after June 30, 1988 and before October 1, 1989,  
 5 with respect to any State plan or plan amendment in effect  
 6 during any such quarter, if submitted in, or prior to such  
 7 quarter and approved in that or any such subsequent quarter.

8 For making payments to States under title XIX of the  
 9 Social Security Act for the first quarter of fiscal year 1990,  
 10 \$9,000,000,000, to remain available until expended.

11 PAYMENTS TO HEALTH CARE TRUST FUNDS

12 For payment to the Federal Hospital Insurance and the  
 13 Federal Supplementary Medical Insurance Trust Funds, as  
 14 provided under sections 217(g) and 1844 of the Social Secu-  
 15 rity Act, sections 103(c) and 111(d) of the Social Security  
 16 Amendments of 1965, and section 278(d) of Public Law  
 17 97-248, \$31,227,000,000.

18 PROGRAM MANAGEMENT

19 For carrying out, except as otherwise provided, titles  
 20 XI, XVIII, and XIX of the Social Security Act,  
 21 ~~(94) \$93,817,000~~ \$94,417,000, together with not to  
 22 exceed ~~(95) \$1,769,919,000~~ \$1,835,519,000 to be trans-  
 23 ferred to this appropriation as authorized by section 201(g) of  
 24 the Social Security Act, from the Federal Hospital Insurance  
 25 and the Federal Supplementary Medical Insurance Trust  
 26 Funds or any other trust fund which may be established by

1 law for catastrophic coverage under the Medicare program:  
 2 *Provided, That* (96) ~~\$212,400,000~~ \$100,000,000 of said  
 3 trust funds shall be expended only to the extent necessary to  
 4 process workloads not anticipated in the budget estimates  
 5 (97) of this Act (98), ~~including the cost of administration~~  
 6 ~~of catastrophic health insurance if enacted into law~~, and to  
 7 meet unanticipated costs of agencies or organizations with  
 8 which agreements have been made to participate in the ad-  
 9 ministration of title XVIII and after maximum absorption of  
 10 such costs within the remainder of the existing limitation has  
 11 been achieved: *Provided further, That* all funds derived in  
 12 accordance with 31 U.S.C. 9701, are to be credited to this  
 13 appropriation.

#### 14 SOCIAL SECURITY ADMINISTRATION

##### 15 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

16 For payment to the Federal Old-Age and Survivors  
 17 Insurance and the Federal Disability Insurance Trust  
 18 Funds, as provided under sections 201(m), 217(g), 228(g),  
 19 and 1131(b)(2) of the Social Security Act, \$93,631,000.

##### 20 SPECIAL BENEFITS FOR DISABLED COAL MINERS

21 For carrying out title IV of the Federal Mine Safety and  
 22 Health Act of 1977, including the payment of travel ex-  
 23 penses on an actual cost or commuted basis, to an individual,  
 24 for travel incident to medical examinations, and when travel  
 25 of more than 75 miles is required, to parties, their represent-  
 26 atives, and all reasonably necessary witnesses for travel

1 within the United States, Puerto Rico, and the Virgin Is-  
2 lands, to reconsideration interviews and to proceedings before  
3 administrative law judges, \$628,581,000, to remain available  
4 until expended: *Provided*, That monthly benefit payments  
5 shall be paid consistent with section 215(g) of the Social  
6 Security Act.

7 For making, after July 31, of the current fiscal year,  
8 benefit payments to individuals under title IV of the Federal  
9 Mine Safety and Health Act of 1977, for costs incurred in the  
10 current fiscal year, such amounts as may be necessary.

11 For making benefit payments under title IV of the Fed-  
12 eral Mine Safety and Health Act of 1977 for the first quarter  
13 of fiscal year 1990, \$211,000,000, to remain available until  
14 expended.

15 SUPPLEMENTAL SECURITY INCOME PROGRAM

16 For carrying out the Supplemental Security Income  
17 Program, title XI of the Social Security Act, section 401 of  
18 Public Law 92-603, section 212 of Public Law 93-66, as  
19 amended, and section 405 of Public Law 95-216, including  
20 payment to the Social Security trust funds for administrative  
21 expenses incurred pursuant to section 201(g)(1) of the Social  
22 Security Act, \$9,473,953,000, to remain available until ex-  
23 pended: *Provided*, That any portion of the funds provided to  
24 a State in the current fiscal year and not obligated by the  
25 State during that year shall be returned to the Treasury.

1 For making, after July 31 of the current fiscal year,  
2 benefit payments to individuals under title XVI of the Social  
3 Security Act, for unanticipated costs incurred for the current  
4 fiscal year, such sums as may be necessary.

5 For carrying out the Supplemental Security Income  
6 Program for the first quarter of fiscal year 1990,  
7 \$2,936,000,000, to remain available until expended.

8 LIMITATION ON ADMINISTRATIVE EXPENSES

9 For necessary expenses, not more than  
10 ~~(99) \$3,705,000,000~~ \$3,820,000,000, may be expended, as  
11 authorized by section 201(g)(1) of the Social Security Act,  
12 from any one or all of the trust funds referred to therein:  
13 *Provided*, That travel expense payments under section  
14 1631(h) of such Act for travel to hearings may be made only  
15 when travel of more than seventy-five miles is required: *Pro-*  
16 *vided further*, That \$97,870,000 of the foregoing amount  
17 shall be apportioned for use only to the extent necessary to  
18 process workloads not anticipated in the budget estimates, for  
19 automation projects and their impact on the work force, and  
20 to meet mandatory increases in costs of agencies or organiza-  
21 tions with which agreements have been made to participate  
22 in the administration of titles XVI and XVIII and section  
23 221 of the Social Security Act, and after maximum absorp-  
24 tion of such costs within the remainder of the existing limita-  
25 tion has been achieved: *Provided further*, That none of the  
26 funds appropriated by this Act may be used for the manufac-



1 ture, printing, or procuring of social security cards, as provid-  
 2 ed in section 205(c)(2)(D) of the Social Security Act, where  
 3 paper and other materials used in the manufacture of such  
 4 cards are produced, manufactured, or assembled outside of  
 5 the United States **(100)**: *Provided further, That notwith-*  
 6 *standing any other provision of law, amounts appropriated*  
 7 *by this Act for the Social Security Administration shall be*  
 8 *used to maintain not less than 66,545 full-time equivalent*  
 9 *positions.*

#### 10 FAMILY SUPPORT ADMINISTRATION

#### 11 FAMILY SUPPORT PAYMENTS TO STATES

12 For making payments to States or other non-Federal  
 13 entities, except as otherwise provided, under titles I, IV-A  
 14 and -D, X, XI, XIV, and XVI of the Social Security  
 15 Act and the Act of July 5, 1960 (24 U.S.C., ch. 9),  
 16 **(101)** ~~\$7,855,137,000~~ \$8,204,337,000, to remain available  
 17 until expended.

18 For making, after May 31 of the current fiscal year,  
 19 payments to States or other non-Federal entities under  
 20 titles I, IV-A and -D, X, XI, XIV, and XVI of the Social  
 21 Security Act, for the last three months of the current year for  
 22 unanticipated costs, incurred for the current fiscal year, such  
 23 sums as may be necessary.

24 For making payments to States or other non-Federal  
 25 entities under titles I, IV-A and -D, X, XI, XIV, and XVI

1 of the Social Security Act, and the Act of July 5, 1960 (24  
 2 U.S.C., ch. 9) for the first quarter of fiscal year 1990,  
 3 **(102)** ~~\$2,644,000,000~~ \$2,700,000,000, to remain available  
 4 until expended.

5 **LOW INCOME HOME ENERGY ASSISTANCE**

6 For making payments under title XXVI of the Omnibus  
 7 Budget Reconciliation Act of 1981, **(103)** ~~\$1,567,000,000~~  
 8 \$1,187,000,000.

9 **(104) REFUGEE AND ENTRANT ASSISTANCE**

10 *For making payments for refugee and entrant assist-*  
 11 *ance activities authorized by title IV of the Immigration and*  
 12 *Nationality Act and section 501 of the Refugee Education*  
 13 *Assistance Act of 1980 (Public Law 96-422), \$400,000,000.*

14 **(105) WORK INCENTIVES**

15 *For carrying out a work incentive program, as author-*  
 16 *ized by part C of title IV of the Social Security Act, includ-*  
 17 *ing registration of individuals for such programs, and for*  
 18 *related child care and other supportive services, as authorized*  
 19 *by section 402(a)(19)(G) of the Act, including transfer to the*  
 20 *Secretary of Labor, as authorized by section 431 of the Act,*  
 21 *\$92,551,000 which shall be the maximum amount available*  
 22 *for transfer to the Secretary of Labor and to which the States*  
 23 *may become entitled pursuant to section 403(d) of such Act,*  
 24 *for these purposes.*

## COMMUNITY SERVICES BLOCK GRANT

For making payments under the Community Services Block Grant Act and section 408 of Public Law 99-425,

(106) ~~\$354,398,000~~ \$385,864,000 of which

(107) ~~\$20,000,000~~ \$21,000,000 shall be for carrying out

section 681(a)(2)(A), (108) ~~\$3,925,000~~ \$4,200,000 shall be

for carrying out section 681(a)(2)(D), (109) ~~\$2,968,000~~

\$3,000,000 shall be for carrying out section 681(a)(2)(E),

(110) ~~\$7,000,000~~ \$6,500,000 shall be for carrying out sec-

tion 681(a)(2)(F), (111) ~~\$239,000~~ shall be for carrying out

section 681(a)(3), (112) ~~\$2,872,000~~ \$4,000,000 shall be for

carrying out section 408 of Public Law 99-425 and

(113) ~~\$2,394,000~~ \$2,500,000 shall be for carrying out sec-

tion 681A with respect to the community food and nutrition

program.

## PROGRAM ADMINISTRATION

For necessary administrative expenses to carry out titles I, IV, X, XI, XIV, and XVI of the Social Security Act, the Act of July 5, 1960 (24 U.S.C., ch. 9), title XXVI of the Omnibus Budget Reconciliation Act of 1981, the Community Services Block Grant Act, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, (114) ~~\$79,533,000~~ \$82,464,000.

1 ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT  
2 SERVICES

3 SOCIAL SERVICES BLOCK GRANT

4 For carrying out the Social Services Block Grant Act,  
5 \$2,700,000,000.

6 HUMAN DEVELOPMENT SERVICES

7 For carrying out, except as otherwise provided,  
8 ~~(115)~~ *the Runaway and Homeless Youth Act*, the Older  
9 Americans Act of 1965, the Developmental Disabilities As-  
10 sistance and Bill of Rights Act, the Child Abuse Prevention  
11 and Treatment Act, section 404 of Public Law 98-473, the  
12 Family Violence Prevention and Services Act (title III of  
13 Public Law 98-457), the Native American Programs Act,  
14 title II of Public Law ~~(116)~~ ~~95-266~~ *100-294* (adoption op-  
15 portunities), ~~(117)~~ *title II of the Children's Justice and As-*  
16 *sistance Act of 1986*, chapter 8-D of title VI of the Omnibus  
17 Budget Reconciliation Act of 1981 (pertaining to grants to  
18 States for planning and development of dependent care pro-  
19 grams), the Head Start Act, the Comprehensive Child Devel-  
20 opment Centers Act of 1988, the Child Development Associ-  
21 ate Scholarship Assistance Act of 1985, and part B of title  
22 IV and section 1110 of the Social Security Act,  
23 ~~(118)~~ ~~\$2,531,808,000~~ *\$2,575,465,000* ~~(119)~~, *of which*  
24 *\$8,750,000 shall be made available to carry out the State*  
25 *Dependent Care Development Grants Act (42 U.S.C. 9871*  
26 *et seq.), and an additional \$3,250,000 shall be made avail-*

1 *able to carry out such Act (120): Provided, That appropria-*  
 2 *tions to carry out the Comprehensive Child Development*  
 3 *Program under chapter 8, subchapter E of the Omnibus*  
 4 *Budget Reconciliation Act of 1981, shall be available not-*  
 5 *withstanding section 670T(b) of that Act.*

6 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION  
 7 ASSISTANCE

8 For carrying out part E of title IV of the Social  
 9 Security Act, (121) ~~\$1,074,907,000~~ \$1,119,907,000.

10 DEPARTMENTAL MANAGEMENT

11 GENERAL DEPARTMENTAL MANAGEMENT

12 For necessary expenses, not otherwise provided, for  
 13 general departmental management, including hire of six  
 14 medium sedans, (122) ~~\$68,160,000~~ \$64,860,000, together  
 15 with not to exceed \$7,000,000, to be transferred and expend-  
 16 ed as authorized by section 201(g)(1) of the Social Security  
 17 Act from any one or all of the trust funds referred to there-  
 18 in (123): *Provided, That not to exceed \$350,000 may be*  
 19 *made available for the establishment of a high quality, popu-*  
 20 *lation based cancer registry in the metropolitan Cleveland,*  
 21 *Ohio area.*

22 OFFICE OF THE INSPECTOR GENERAL

23 For expenses necessary for the Office of the Inspector  
 24 General, \$46,430,000, together with not to exceed  
 25 \$40,000,000, to be transferred and expended as authorized



1 by section 201(g)(1) of the Social Security Act from any one  
 2 or all of the trust funds referred to therein.

3

## OFFICE FOR CIVIL RIGHTS

4 For expenses necessary for the Office for Civil Rights,  
 5 \$16,173,000, together with not to exceed \$4,000,000, to be  
 6 transferred and expended as authorized by section 201(g)(1)  
 7 of the Social Security Act from any one or all of the trust  
 8 funds referred to therein.

9

## POLICY RESEARCH

10 For carrying out, to the extent not otherwise provided,  
 11 research studies under section 1110 of the Social Security  
 12 Act, ~~(124) \$8,373,000~~ \$7,519,000: *Provided*, That not less  
 13 than ~~(125) \$3,500,000~~ \$2,500,000 shall be obligated to  
 14 continue research on poverty conducted by the Institute for  
 15 Research on Poverty.

16

## GENERAL PROVISIONS

17 SEC. 201. None of the funds appropriated by this title  
 18 for grants-in-aid of State agencies to cover, in whole or in  
 19 part, the cost of operation of said agencies, including the sal-  
 20 aries and expenses of officers and employees of said agencies,  
 21 shall be withheld from the said agencies of any State which  
 22 have established by legislative enactment and have in oper-  
 23 ation a merit system and classification and compensation plan  
 24 covering the selection, tenure in office, and compensation of  
 25 their employees, because of any disapproval of their person-

1 nel or the manner of their selection by the agencies of the  
2 said States, or the rates of pay of said officers or employees.

3 SEC. 202. None of the funds made available by this Act  
4 for the National Institutes of Health, except for those appro-  
5 priated to the "Office of the Director," may be used to pro-  
6 vide forward funding or multiyear funding of research project  
7 grants except in those cases where the Director of the Na-  
8 tional Institutes of Health has determined that such funding  
9 is specifically required because of the scientific requirements  
10 of a particular research project grant.

11 SEC. 203. Appropriations in this or any other Act shall  
12 be available for expenses for active commissioned officers in  
13 the Public Health Service Reserve Corps and for not to  
14 exceed 2,400 commissioned officers in the Regular Corps;  
15 expenses incident to the dissemination of health information  
16 in foreign countries through exhibits and other appropriate  
17 means; advances of funds for compensation, travel, and sub-  
18 sistence expenses (or per diem in lieu thereof) for persons  
19 coming from abroad to participate in health or scientific ac-  
20 tivities of the Department pursuant to law; expenses of pri-  
21 mary and secondary schooling of dependents in foreign coun-  
22 tries, of Public Health Service commissioned officers sta-  
23 tioned in foreign countries, at costs for any given area not in  
24 excess of those of the Department of Defense for the same  
25 area, when it is determined by the Secretary that the schools

1 available in the locality are unable to provide adequately for  
2 the education of such dependents, and for the transportation  
3 of such dependents, between such schools and their places of  
4 residence when the schools are not accessible to such depend-  
5 ents by regular means of transportation; expenses for medical  
6 care for civilian and commissioned employees of the Public  
7 Health Service and their dependents, assigned abroad on a  
8 permanent basis in accordance with such regulations as the  
9 Secretary may provide; rental or lease of living quarters (for  
10 periods not exceeding five years), and provision of heat, fuel,  
11 and light and maintenance, improvement, and repair of such  
12 quarters, and advance payments therefor, for civilian officers,  
13 and employees of the Public Health Service who are United  
14 States citizens and who have a permanent station in a foreign  
15 country; purchase, erection, and maintenance of temporary or  
16 portable structures; and for the payment of compensation to  
17 consultants or individual scientists appointed for limited peri-  
18 ods of time pursuant to section 207(f) or section 207(g) of the  
19 Public Health Service Act, at rates established by the Assist-  
20 ant Secretary for Health, or the Secretary where such action  
21 is required by statute, not to exceed the per diem rate equiva-  
22 lent to the rate for GS-18; not to exceed \$9,500 for official  
23 reception and representation expenses related to any health  
24 agency of the Department when specifically approved by the  
25 Assistant Secretary for Health.

1        SEC. 204. None of the funds contained in this Act shall  
2 be used to perform abortions except where the life of the  
3 mother would be endangered if the fetus were carried to  
4 term (126), *or except for such medical procedures necessary*  
5 *for the victims of rape or incest, when such rape or incest has*  
6 *been reported promptly to a law enforcement agency or public*  
7 *health service; nor are payments prohibited for drugs to pre-*  
8 *vent implantation of the fertilized ovum, or for medical proce-*  
9 *dures necessary for the termination of ectopic pregnancy:*  
10 *Provided, however, That the several States are and shall*  
11 *remain free not to fund abortions to the extent that they in*  
12 *their sole discretion deem appropriate, except where the life of*  
13 *the mother would be endangered if the fetus were carried to*  
14 *term.*

15        SEC. 205. Funds advanced to the National Institutes of  
16 Health Management Fund from appropriations in this Act  
17 shall be available for the expenses of sharing medical care  
18 facilities and resources pursuant to section 327A of the  
19 Public Health Service Act.

20        SEC. 206. Funds appropriated in this title for the Social  
21 Security Administration shall be available for not to exceed  
22 \$10,000 for official reception and representation expenses  
23 when specifically approved by the Commissioner of Social  
24 Security.

1        SEC. 207. Funds appropriated in this title for the  
2 Health Care Financing Administration shall be available for  
3 not to exceed \$2,000 for each fiscal year for official reception  
4 and representation expenses when specifically approved by  
5 the Administrator of the Health Care Financing Adminis-  
6 tration.

7        SEC. 208. No funds appropriated for the fiscal year  
8 ending September 30, 1989, by this or any other Act, may be  
9 used to pay basic pay, special pays, basic allowances for sub-  
10 sistence and basic allowances for quarters of the commis-  
11 sioned corps of the Public Health Service described in section  
12 204 of title 42, United States Code, at a level that exceeds  
13 110 percent of the Executive Level I annual rate of basic  
14 pay: *Provided*, That amounts received from employees of the  
15 Department in payment for room and board may be credited  
16 to the appropriation accounts which finance the services:  
17 *Provided further*, That none of the funds made available by  
18 this Act shall be used to provide special retention pay  
19 (bonuses) under paragraph (4) of 37 U.S.C. 302(a) to any  
20 regular or reserve medical officer of the Public Health Serv-  
21 ice for any period during which the officer is assigned to the  
22 clinical, research, or staff associate program administered by  
23 the National Institutes of Health.

24        SEC. 209. None of the funds appropriated in this title  
25 shall be used to transfer the general administration of pro-



1 grams authorized under the Native American Programs Act  
2 from the Department of Health and Human Services to the  
3 Department of the Interior.

4 SEC. 210. Funds provided in this Act may be used for  
5 one-year contracts which are to be performed in two fiscal  
6 years, so long as the total amount for such contracts is obli-  
7 gated in the year for which the funds are appropriated.

8 SEC. 211. The Secretary shall make available through  
9 assignment not more than 60 employees of the Public Health  
10 Service, who shall be exempt from all FTE limitations in the  
11 Department, to assist in child survival activities and to work  
12 in AIDS programs through and with funds provided by the  
13 Agency for International Development, the United Nations  
14 International Children's Emergency Fund or the World  
15 Health Organization. In addition, commissioned officers as-  
16 signed under this section shall be exempt from all limitations  
17 on the number and grade of officers in the Public Health  
18 Service Commissioned Corps.

19 SEC. 212. For the purpose of insuring proper manage-  
20 ment of federally supported computer systems and data  
21 bases, funds appropriated by this Act are available for the  
22 purchase of dedicated telephone service between the private  
23 residences of employees assigned to computer centers funded  
24 under this Act, and the computer centers to which such em-  
25 ployees are assigned.

1        SEC. 213. Funds available in this title for activities re-  
 2        lated to acquired immune deficiency syndrome (AIDS) may  
 3        be transferred between appropriation accounts upon the  
 4        approval by the House and Senate Committees on Appro-  
 5        priations of a transfer request submitted by the Secretary of  
 6        Health and Human Services.

7        SEC. 214. Funds made available for fiscal year 1989  
 8        and hereafter to the National Institutes of Health shall be  
 9        available for payment of nurses and allied health profession-  
 10      als ~~(127) at the rates of pay and with schedule options and~~  
 11      ~~benefits and other authorities authorized for similar employ-~~  
 12      ~~ees of the Veterans Administration pursuant to 38 U.S.C.~~  
 13      ~~4107 and 4111~~ *using pay, schedule options, benefits, and*  
 14      *other authorities as provided for the nurses of the Veterans'*  
 15      *Administration under 38 U.S.C. chapter 73.*

16      ~~(128)~~ SEC. 215. *The National Institutes of Health is*  
 17      *directed, without regard to 31 U.S.C. 3324 or 41 U.S.C. 5,*  
 18      *to enter into a lease-purchase contract for construction on the*  
 19      *NIH campus in Bethesda, Maryland, an office building of*  
 20      *approximately 700,000 gross square feet, together with neces-*  
 21      *sary underground and multi-level parking, and funds made*  
 22      *available in this and subsequent fiscal years for operations of*  
 23      *the National Institutes of Health shall be available to carry*  
 24      *out the conditions of the lease-purchase contract.*

1       **(129)** *SEC. 216. Of the funds appropriated in this Act*  
2 *for the National Institutes of Health, a reduction of*  
3 *\$6,765,000 is to be applied to all appropriations as a result*  
4 *of improved procurement practices.*

5       **(130)** *SEC. 217. NIH Building Numbered 31 is*  
6 *hereby named the Claude Denson Pepper Building.*

7       **(131)** *SEC. 218. Funds appropriated by this Act may*  
8 *be used to pay physicians' comparability allowances as au-*  
9 *thorized under 5 U.S.C. 5948.*

10       **(132)** *SEC. 219. Section 465(B) of 42 U.S.C. 286 is*  
11 *amended by inserting between (5) and (6) an additional*  
12 *charge to the Secretary to "publicize the availability of the*  
13 *above products and services of the National Library of Medi-*  
14 *cine".*

15       **(133)** *SEC. 220. Notwithstanding any other provision*  
16 *of law, no personnel ceilings may be imposed nor any action*  
17 *may be taken to restrict the full-time equivalent (FTE) levels*  
18 *for Public Health Service programs, projects, and activities*  
19 *funded by this or any other Act.*

20       **(134)** *SEC. 221. (a)(1) In enacting this section Con-*  
21 *gress hereby—*

22               *(A) recognizes the national and international legal*  
23 *protection granted chimpanzees under the Endangered*  
24 *Species Act and the Convention of International Trade*  
25 *of Endangered Species, to which the United States is*

1       *a signatory, and also the World Health Organization's*  
2       *Policy Statement on Use of Primates for Biomedical*  
3       *Purposes, all of which acknowledges the threatened or*  
4       *endangered status of the chimpanzee; and*

5               *(B) acknowledges that substantial public monies*  
6       *are already being expended on a National Chimpanzee*  
7       *Breeding and Research Program in the United States.*

8       *(2) No funds appropriated under this Act or any other*  
9       *provisions of law shall be used by the National Institutes of*  
10       *Health, or any other Federal agency, or recipient of Federal*  
11       *funds and be expended on any project that entail the capture*  
12       *or procurement of chimpanzees obtained from the wild.*

13       *(3) For purposes of this section, the term "recipient of*  
14       *Federal funds" includes private citizens, corporations, or*  
15       *other research institutions located outside of the United*  
16       *States that are recipients of Federal funds.*

17       **(135)** *SEC. 222. Notwithstanding any other provision*  
18       *of this Act, or amendment thereto none of the funds made*  
19       *available by this Act shall be used in materials, curriculums,*  
20       *or programs that promote or encourage homosexuality, or to*  
21       *use words stating that homosexuality is "normal," "natu-*  
22       *ral," or "healthy."*

23       **(136)** *SEC. 223. None of the funds made available*  
24       *under this Act, or an amendment made by this Act for the*  
25       *Department of Health and Human Services including funds*

1 provided for under the heading *GRANTS TO STATES FOR ME-*  
 2 *DICAID* shall be used on the premises of any elementary or  
 3 secondary school to provide the following: abortions, transpor-  
 4 tation to aid in obtaining an abortion, counseling to encour-  
 5 age a child to obtain an abortion, or referrals for obtaining an  
 6 abortion.

7       **(137)** *SEC. 224. During the 12-month period begin-*  
 8 *ning October 1, 1988, none of the funds made available*  
 9 *under this Act may be used to impose any reductions in pay-*  
 10 *ments, or to seek repayment from or to withhold any payment*  
 11 *to any State pursuant to sections 427 or 471 of the Social*  
 12 *Security Act, as a result of a disallowance determination*  
 13 *made in connection with a compliance review for any Feder-*  
 14 *al fiscal year preceding Federal fiscal year 1989, until all*  
 15 *judicial proceedings, including appeals, relating to such dis-*  
 16 *allowance determination have been finally concluded, nor*  
 17 *may such funds be used to conduct further compliance re-*  
 18 *views with respect to any State which is a party to such*  
 19 *judicial proceeding until such proceeding has been finally*  
 20 *concluded.*

21       **(138)** *SEC. 225. (a) The Senate finds that—*  
 22               *(1) the Low Income Home Energy Assistance*  
 23               *Program is a critical component of the Nation's*  
 24               *"safety net" protecting the lives of the most vulnerable*  
 25               *in our society through providing assistance to poor*



1        *families unable to afford to heat their homes in the*  
2        *winter and cool them in the summer;*

3            *(2) the average recipient of the Low Income Home*  
4        *Energy Assistance Program has an income of 72 per-*  
5        *cent of the poverty level and nearly 40 percent are el-*  
6        *derly or have an elderly member in the household;*

7            *(3) prolonged periods of very hot or very cold*  
8        *weather claim more lives nationally than any other*  
9        *natural disaster, with older persons as the primary vic-*  
10       *tims of such disasters;*

11           *(4) if enacted at the level recommended by the*  
12       *President's budget, Federal funding for the Low*  
13       *Income Home Energy Assistance Program will have*  
14       *been cut 34 percent in the last 2 years;*

15           *(5) the Department of Health and Human Serv-*  
16       *ices estimates that in fiscal year 1988 500,000 house-*  
17       *holds were dropped from the program and the average*  
18       *Low Income Home Energy Assistance Program benefit*  
19       *declined 3 percent to below \$200 per year, with many*  
20       *States reporting the elimination of weatherization as-*  
21       *sistance, the reduction of crisis assistance, a cut in the*  
22       *summer cooling program and the early termination of*  
23       *programs, in order to cope with the 16 percent cut; and*

1           (6) the budget summit agreement stipulated that  
2       in implementing the budget agreement essential pro-  
3       grams serving the poor should have a priority.

4       (b) Therefore, it is the sense of the Senate that priority  
5       be given to providing an appropriation for the Low Income  
6       Home Energy Assistance Program in an amount not less  
7       than the fiscal year 1988 appropriation.

8       **(139)** SEC. 226. None of the funds made available  
9       under this Act shall be used to waive the minimal risk stand-  
10      ard for fetal research.

11      This title may be cited as the "Department of Health  
12      and Human Services Appropriations Act, 1989".

### 13      **TITLE III—DEPARTMENT OF EDUCATION**

#### 14      **COMPENSATORY EDUCATION FOR THE DISADVANTAGED**

15      For carrying out the activities authorized by chapter 1  
16      of title I of the Elementary and Secondary Education Act of  
17      1965, as amended, **(140)** ~~\$4,663,719,000~~ \$4,589,800,000,  
18      of which a total of \$8,000,000 **(141)** ~~shall be available~~ for  
19      purposes of sections 1437 and 1463 and **(142)** ~~which~~  
20      \$4,000,000 for subpart 3 of part F, shall become available  
21      on October 1, 1988 and remain available until September 30,  
22      1989, and may be expended by the Secretary at any time  
23      during that period; and the remaining  
24      **(143)** ~~\$4,655,719,000~~ \$4,577,800,000 shall become avail-  
25      able on July 1, 1989 and shall remain available until Sep-

tember 30, 1990: *Provided, That* of these remaining funds,  
\$3,900,000,000 shall be available for the purposes of section  
1005, ~~(144)\$200,000,000~~ \$175,000,000 shall be available  
for the purposes of section 1006, ~~(145)\$30,000,000~~ shall  
be available for the purposes of section 1017(d), ~~\$25,000,000~~  
shall be available for the purposes of part B,  
~~(146)\$269,029,000~~ \$275,000,000 shall be available for  
the purposes of subpart 1 of part D, ~~(147)\$151,269,000~~  
\$150,000,000 shall be available for the purposes of subpart 2  
of part D, ~~(148)\$32,616,000~~ \$32,000,000 shall be avail-  
able for the purposes of subpart 3 of part D,  
~~(149)\$42,050,000~~ \$41,000,000 shall be available for the  
purposes of section 1404, and ~~(150)\$5,755,000~~  
\$4,800,000 shall be available for the purposes of section  
1405 ~~(151)~~: *Provided further, That no State shall receive*  
*less than \$340,000 under section 1006 from the amounts*  
*made available under this appropriation for section 1006.*

18 For carrying out section 418A of the Higher Education  
19 Act, (152) ~~\$8,900,000~~ \$8,776,000.

## 20 IMPACT AID

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13), ~~(153)\$715,000,000~~  
~~\$714,036,000~~, of which ~~(154)\$10,000,000, which shall~~  
~~remain available until expended, shall be for payments under~~  
~~section 7 of said Act, \$15,000,000 shall be for entitlements~~  
~~under section 2 of said Act, and (155)\$690,000,000~~

1 \$699,036,000 shall be for entitlements under section 3 of  
 2 said Act of which ~~(156) \$553,000,000~~ \$565,000,000 shall  
 3 be for entitlements under section 3(a) of said Act ~~(157)~~:  
 4 *Provided, That any school district that received an overpay-*  
 5 *ment under section 2 in fiscal year 1984 funds and also*  
 6 *received 30.13 per centum of such sum in an overpayment of*  
 7 *the subsequent fiscal year's funds, is relieved of the liability*  
 8 *to repay those sums, together with interest on such sums.*

9 For carrying out the Act of September 23, 1950, as  
 10 amended (20 U.S.C. ch. 19), \$25,000,000, which shall  
 11 remain available until expended, shall be for providing school  
 12 facilities as authorized by said Act, of which \$10,000,000  
 13 shall be for awards under section 10 of said Act,  
 14 \$12,000,000 shall be for awards under sections 14(a) and  
 15 14(b) of said Act, and \$3,000,000 shall be for awards under  
 16 sections 5 and 14(c) of said Act.

#### 17 SCHOOL IMPROVEMENT PROGRAMS

18 For carrying out the activities authorized by chapter 2  
 19 of title I, part A of title II, title III, part A, ~~(158)~~ *part B*,  
 20 subpart 1 ~~(159)~~ *and subpart 2* of part C, and part E of title  
 21 IV, ~~(160)~~ *sections 4601 and 4605, section 4604*, title V,  
 22 and parts A and C of title VI of the Elementary and Second-  
 23 ary Education Act of 1965, as amended; section 722 of the  
 24 Stewart B. McKinney Homeless Assistance Act; section 403  
 25 of the Civil Rights Act of 1964; subpart 2 of part C and  
 26 subpart 2 of part D of title V of the Higher Education Act,

1 as amended; ~~(161) part B of title III~~ *title IV* of Public Law  
 2 100-297; title IX of the Education for Economic Security  
 3 Act; and the Follow Through Act, ~~(162) \$1,118,538,000~~  
 4 *\$1,088,180,000: Provided, That of the amounts provided,*  
 5 ~~(163) \$517,430,000~~ *\$476,000,000* shall be for chapter 2 of  
 6 title I of the Elementary and Secondary Education Act, of  
 7 which ~~(164) \$489,500,000~~ *\$447,700,000* for part A shall  
 8 become available on July 1, 1989 and remain available until  
 9 September 30, 1990 and ~~(165) \$27,930,000~~ *\$28,300,000*  
 10 for part B ~~(166) including \$1,000,000 for national school~~  
 11 *volunteer programs* shall become available on October 1,  
 12 1988: *Provided further, That,* ~~(167) \$114,888,000~~  
 13 *\$130,000,000* for grants to States and Outlying Areas under  
 14 part A of title II, ~~(168) \$10,000,000 for part B,~~  
 15 ~~(169) \$3,000,000~~ *\$2,500,000* for subpart 1 ~~(170) and~~  
 16 *\$1,000,000 for subpart 2* of part C of title IV, and  
 17 *\$207,000,000* for grants to States and Outlying Areas under  
 18 title V of the Elementary and Secondary Education Act,  
 19 *\$4,358,000* for subpart 2 of part C of title V of the Higher  
 20 Education Act, and ~~(171) \$4,787,000~~ *\$5,000,000* for sec-  
 21 tion 722 of the Stewart B. McKinney Homeless Assistance  
 22 Act shall become available on July 1, 1989 and shall remain  
 23 available until September 30, 1990: *Provided further, That,*  
 24 of the amounts provided, *\$115,000,000* shall be for title III,  
 25 ~~(172) \$9,000,000~~ *shall be for section 2012* and *\$1,500,000*



1 shall be for section 6201(d) of the Elementary and Secondary  
2 Education Act.

3 Unobligated balances of funds appropriated for fiscal  
4 years 1985 and 1986 for title VI of the Education for Eco-  
5 nomic Security Act shall be available until September 30,  
6 1989 for carrying out activities authorized by ~~(173)~~section  
7 ~~4601~~ part F of title IV of which not less than \$1,000,000  
8 shall be for activities authorized by section 4603 of the Ele-  
9 mentary and Secondary Education Act.

#### 10 BILINGUAL, IMMIGRANT, AND REFUGEE EDUCATION

11 For carrying out, to the extent not otherwise provided,  
12 title VII and part D of title IV of the Elementary and Sec-  
13 ondary Education Act and part B of title III of the Refugee  
14 Act of 1980, ~~(174)~~\$~~201,782,000~~ \$197,009,000, of which  
15 \$112,106,000 shall be for part A, \$10,903,000 shall be for  
16 part B, ~~(175)~~\$~~33,564,000~~ \$28,000,000 shall be for part C  
17 of title VII ~~(176)~~of which no funds shall be used for activi-  
18 ties authorized by section 7043 and \$30,000,000 shall be for  
19 part D of title IV of the Elementary and Secondary Educa-  
20 tion Act.

#### 21 EDUCATION FOR THE HANDICAPPED

22 For carrying out the Education of the Handicapped Act,  
23 ~~(177)~~\$~~1,921,882,000~~ \$2,008,623,000, of which  
24 ~~(178)~~\$~~1,478,539,000~~ \$1,508,200,000 for section 611,  
25 ~~(179)~~\$~~205,075,000~~ \$250,000,000 for section 619, and  
26 ~~(180)~~\$~~68,358,000~~ \$73,000,000 for section 685 shall

1 become available for obligation on July 1, 1989, and shall  
 2 remain available until September 30, 1990: *Provided, That*  
 3 up to \$479,000 may be used for section 621(d) of said Act.

4 REHABILITATION SERVICES AND HANDICAPPED RESEARCH

5 For carrying out, to the extent not otherwise provided,  
 6 the Rehabilitation Act of 1973 and the Helen Keller National  
 7 Center Act, as amended, ~~(181) \$1,656,592,000~~  
 8 ~~\$1,669,395,000~~, of which ~~(182) \$1,441,577,000~~  
 9 ~~\$1,450,000,000~~ shall be for allotments under sections  
 10 100(b)(1) and 110(b)(3) of the Rehabilitation Act, ~~(183) and~~  
 11 ~~\$16,590,000~~ \$17,200,000 shall be for special demonstration  
 12 programs under sections 311 (a), (b), and (c),  
 13 ~~(184) \$750,000~~ shall be for carrying out section 202(j)(1)  
 14 and ~~(185) \$5,000,000~~ \$4,800,000 shall be for the Helen  
 15 Keller National Center.

16 ~~(186)~~ *Of the funds provided under the heading "Reha-*  
 17 *bilitation Services and Handicapped Research" in fiscal*  
 18 *year 1987 in Public Law 99-500 and Public Law 99-501,*  
 19 *for carrying out the Rehabilitation Act of 1973, which are*  
 20 *unobligated, the sum of \$500,000 is reappropriated for an*  
 21 *allotment under section 100(b)(1) of the Rehabilitation Act of*  
 22 *1973 to Montana for obligations incurred by Montana*  
 23 *during fiscal year 1987.*

24 VOCATIONAL AND ADULT EDUCATION

25 For carrying out, to the extent not otherwise provided,  
 26 the Carl D. Perkins Vocational Education Act, the Adult

1 Education Act ~~(187)~~ including section 372 of said Act, and  
 2 section 702 of the Stewart B. McKinney Homeless Assist-  
 3 ance Act, ~~(188)~~ ~~\$1,091,966,000~~ \$1,084,130,000 which  
 4 shall become available for obligation on July 1, 1989, and  
 5 shall remain available until September 30, 1990: *Provided,*  
 6 That ~~(189)~~ ~~\$25,658,000~~ \$26,800,000 shall be available for  
 7 title IV of the Carl D. Perkins Vocational Education Act, of  
 8 which ~~(190)~~ ~~\$7,276,000~~ \$7,050,000 shall be for part A,  
 9 including \$5,744,000 for section 404, ~~(191)~~ ~~\$14,361,000~~  
 10 \$14,750,000 shall be for section 411 ~~(192)~~ and ~~\$431,000~~  
 11 shall be for section 415 of part B, and ~~(193)~~ ~~\$3,590,000~~  
 12 \$5,000,000 shall be for part C of said title: *Provided further,*  
 13 That ~~(194)~~ ~~\$7,851,000~~ \$8,000,000 shall be available for  
 14 State councils under section 112 of the Carl D. Perkins Vo-  
 15 cational Education Act: *Provided further,* That  
 16 ~~(195)~~ ~~\$6,845,000~~ \$9,000,000 shall be made available to  
 17 carry out title III-A and ~~(196)~~ ~~\$32,791,000~~ \$34,250,000  
 18 shall be made available for title III-B of said Vocational  
 19 Education Act: *Provided further,* That ~~(197)~~ ~~\$3,734,000~~  
 20 \$3,900,000 shall be available for part E of title IV of the  
 21 Carl D. Perkins Vocational Education Act: *Provided further,*  
 22 That \$2,000,000 provided herein for part D of the Adult  
 23 Education Act shall be only for section 383 of said Act.

24 STUDENT FINANCIAL ASSISTANCE

25 For carrying out subparts 1, 2, and 3 of part A and  
 26 parts C, D, and E of title IV of the Higher Education Act, as

1 amended, ~~(198)\$5,907,736,000~~ \$5,833,845,000, which  
 2 shall remain available until September 30, 1990: *Provided*,  
 3 That the maximum Pell grant that a student may receive in  
 4 the 1989-90 award year shall be \$2,300(199): *Provided*  
 5 further, *That notwithstanding section 479A of the Higher*  
 6 *Education Act of 1965 (20 U.S.C. 1001 et seq.), student*  
 7 *financial aid administrators shall be authorized, on the basis*  
 8 *of adequate documentation, to make necessary adjustments to*  
 9 *the cost of attendance and expected student or parent contri-*  
 10 *bution (or both) and to use supplementary information about*  
 11 *the financial status or personal circumstances of eligible ap-*  
 12 *plicants only for purposes of selecting recipients and deter-*  
 13 *mining the amount of awards under subpart 2 of part A, and*  
 14 *parts B, C, and E of title IV of the Act: Provided further,*  
 15 *That notwithstanding section 411F(1) of the Higher Educa-*  
 16 *tion Act of 1965, as amended (20 U.S.C. 1001 et seq.), the*  
 17 *term "annual adjusted family income" shall, under special*  
 18 *circumstances prescribed by the Secretary of Education,*  
 19 *mean the sum received in the first calendar year of the award*  
 20 *year from the sources described in that section(200): Pro-*  
 21 *vided further, That notwithstanding section 484 of the*  
 22 *Higher Education Act of 1965, as amended (20 U.S.C.*  
 23 *1001 et seq.), in order for a student to be eligible to receive*  
 24 *grant, loan, or work assistance under title IV of that Act,*  
 25 *that student shall be required to have earned a high school*



1 *diploma or its recognized equivalent if (1) that student is*  
 2 *enrolled or accepted for enrollment in a course of study of less*  
 3 *than one year in preparation for an occupation for which the*  
 4 *student must be certified by an agency other than the eligible*  
 5 *institution or institution of higher education in order to begin*  
 6 *practice or service, and (2) a high school diploma or its recog-*  
 7 *nized equivalent is a requirement for that certification.*

#### 8 GUARANTEED STUDENT LOANS

9 For necessary expenses under title IV, part B of the  
 10 Higher Education Act, \$3,174,400,000, to remain available  
 11 until expended.

#### 12 HIGHER EDUCATION

13 For carrying out title III of the Higher Education Act  
 14 of 1965, as amended, ~~(201)~~ ~~\$180,000,000~~ \$169,978,000,  
 15 of which up to ~~(202)~~ ~~\$18,000,000~~ \$7,700,000 for section  
 16 332 of part C of title III of said Act shall remain available  
 17 until expended: *Provided, That* ~~(203)~~ ~~\$82,500,000~~  
 18 \$84,978,000 of funds appropriated for title III of said Act  
 19 shall be available only to historically black colleges and uni-  
 20 versities ~~(204)~~, *of which \$4,500,000 is available until ex-*  
 21 *pended under section 403 of H.J. Res. 90, as passed by the*  
 22 *Senate, if enacted: Provided further, That* up to \$7,300,000  
 23 of funds appropriated for part A of title III of said Act shall  
 24 be available for non-competing continuation awards made to  
 25 four-year institutions in fiscal year 1988.



1 For carrying out subparts 4 and 6 of part A of title IV;  
 2 part B and subpart 1 of part D of title V; titles VI and VIII;  
 3 part D of title VII; parts A, B, C, D, E, and F of title IX;  
 4 subpart 1 of part B and parts A and C of title X; and sections  
 5 420A and 1204(c) of the Higher Education Act of 1965, as  
 6 amended; title XIII, part H, subpart 1 of the Education  
 7 Amendments of 1980, as amended; and section 102(b)(6) of  
 8 the Mutual Educational and Cultural Exchange Act of 1961,  
 9 ~~“(205) \$397,368,000~~ \$373,530,000, of which \$22,744,000  
 10 for part D of title VII shall remain available until expended:  
 11 *Provided*, That \$8,300,000 provided herein for carrying out  
 12 subpart 6 of part A of title IV shall be available notwith-  
 13 standing sections 419G(b) and 419I(a) of the Higher Educa-  
 14 tion Act of 1965 (20 U.S.C. 1070d-37(b) and 1070d-39(a)):  
 15 *Provided further*, That ~~“(206) \$2,000,000 of the amount~~  
 16 ~~provided herein for subpart 4~~ \$1,000,000 of the amount pro-  
 17 vided herein for subpart 4 of part A of title IV of the Higher  
 18 Education Act shall be for the Ronald E. McNair Post-Bac-  
 19 calaureate Achievement Program ~~“(207)”~~: *Provided further*,  
 20 *That \$239,000 of the amount provided for part B of title IX*  
 21 *shall be competitively awarded to a consortium of historically*  
 22 *black colleges and doctoral degree-granting institutions to*  
 23 *provide supplemental need-based financial aid to students*  
 24 *and faculty from historically black colleges who are pursuing*  
 25 *doctoral studies* ~~“(208)”~~: *Provided further*, *That the Secretary*

1 shall, in carrying out section 802 of the Higher Education  
 2 Act of 1965, give special consideration to applications from  
 3 private urban institutions of higher education, or combina-  
 4 tions thereof, with minority student enrollment exceeding 66  
 5 percent of total student enrollment, and with plans to develop  
 6 from a traditional academic curriculum to a universal coop-  
 7 erative education program applicable to all undergraduate  
 8 four year major fields of study (209): Provided further,  
 9 That an additional amount of \$10,000,000 shall be made  
 10 available for part D of title I of the Higher Education Act of  
 11 1965, relating to the student literacy corps program, to  
 12 become available on July 1, 1989, and remain available  
 13 until September 30, 1990.

14 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

15 Pursuant to title VII, part F of the Higher Education  
 16 Act, as amended, for necessary expenses of the college hous-  
 17 ing and academic facilities loans program, the Secretary shall  
 18 make expenditures, contracts, and commitments without  
 19 regard to fiscal year limitation (210): ~~Provided, That~~  
 20 ~~during fiscal year 1989, gross commitments for the principal~~  
 21 ~~amount of direct loans shall be \$62,231,000.~~

22 For payment of interest on funds borrowed from the  
 23 Treasury pursuant to section 761(d) of the Higher Education  
 24 Act, as amended, \$1,675,000, to remain available until  
 25 expended (211): *Provided, That notwithstanding section*

1 761(e) of the *Higher Education Act*, no new commitments for  
2 loans may be made.

3 HIGHER EDUCATION FACILITIES LOANS

4 The Secretary is hereby authorized to make such ex-  
5 penditures, within the limits of funds available under this  
6 heading and in accord with law, and to make such contracts  
7 and commitments without regard to fiscal year limitation, as  
8 provided by section 104 of the Government Corporation Con-  
9 trol Act (31 U.S.C. 9104), as may be necessary in carrying  
10 out the program set forth in the budget for the current fiscal  
11 year. For the fiscal year 1989, no new commitments for  
12 loans may be made from the fund established pursuant to title  
13 VII, section 733 of the Higher Education Act, as amended  
14 (20 U.S.C. 1132d-2).

15 COLLEGE HOUSING LOANS

16 Pursuant to title VII, part F of the Higher Education  
17 Act, as amended, for necessary expenses of the college hous-  
18 ing loan program, previously carried out under title IV of the  
19 Housing Act of 1950, the Secretary shall make expenditures,  
20 contracts, and commitments without regard to fiscal year lim-  
21 itation using loan repayments and other resources available  
22 to this account. Any unobligated balances becoming available  
23 from fixed fees paid into this account pursuant to 12 U.S.C.  
24 1749d, relating to payment of costs for inspections and site  
25 visits, shall be available for the operating expenses of this  
26 account.

## EDUCATION RESEARCH AND STATISTICS

**(212)** (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out section 405 of the General Education Provisions Act, as amended, **(213)** ~~\$50,843,000~~ \$44,960,000: *Provided, That* **(214)** ~~\$5,500,000~~ of the sums appropriated shall be used to ~~continue~~ \$4,000,000 of the sums appropriated shall be used to complete a rural education program by the nine regional laboratories.

For necessary expenses to carry out section 406 of the General Education Provisions Act, as amended by Public Law 100-297, **(215)** ~~\$23,669,000~~ including \$300,000 for ~~implementation of the Fellows Program~~ \$20,000,000, and an additional \$9,500,000 shall be for the National Assessment of Educational Progress **(216)**: ~~*Provided, That in addition*~~ \$6,630,000 shall be transferred from the "Program administration" account.

## LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, II, III, IV, and VI of the Library Services and Construction Act (20 U.S.C., ch. 16), and title II, parts B, C, and D of the Higher Education Act, notwithstanding the provisions of section 221, **(217)** ~~\$142,644,000~~ \$135,089,000: *Provided, That* \$22,595,000 of the sums appropriated shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available

1 until expended **(218)**: *Provided further, That the State of*  
 2 *Illinois is relieved of all liability to repay the United States*  
 3 *the sum of \$14,547,769 representing payments made to Illi-*  
 4 *nois under the Library Services and Construction Act for*  
 5 *fiscal years 1977 through 1986 which were disallowed be-*  
 6 *cause of a pioneering nature of the program for libraries in*  
 7 *that State and, in the audit and settlement of the accounts of*  
 8 *any certifying or disbursing officer of the United States, full*  
 9 *credit shall be given for the amount for which liability is*  
 10 *relieved by this proviso.*

#### 11 SPECIAL INSTITUTIONS

##### 12 AMERICAN PRINTING HOUSE FOR THE BLIND

13 For carrying out the Act of March 3, 1879, as amended  
 14 (20 U.S.C. 101-106), including provision of materials to  
 15 adults undergoing rehabilitation on the same basis as provid-  
 16 ed in 1985, **(219)** ~~\$5,381,000~~ \$5,400,000.

##### 17 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

18 For the National Technical Institute for the Deaf under  
 19 titles II and IV of the Education of the Deaf Act of 1986 (20  
 20 U.S.C. 4301 et seq.), **(220)** ~~\$33,231,000~~ \$33,031,000, of  
 21 which \$200,000 shall be for the endowment program as au-  
 22 thorized under section 408 and shall be available until ex-  
 23 pended: *Provided, That none of the funds provided herein*  
 24 *may be used to subsidize the tuition of foreign students.*



## GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf and the partial support of Gallaudet University under titles I and IV of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), including continuing education activities, existing extension centers and the National Center for Law and the Deaf, ~~(221)~~ \$66,800,000 \$65,000,000, of which \$1,000,000 shall be for the endowment program as authorized under section 407 and shall be available until expended.

## HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), ~~(222)~~ \$180,647,000: *Provided, That of the funds appropriated under this head in the Department of Education Appropriations Act, 1988, not to exceed \$500,000 \$176,147,000, of which \$1,500,000 shall be for a matching endowment grant to be administered in accordance with the Howard University Endowment Act (Public Law 98-480) and shall remain available until expended.*

## DEPARTMENTAL MANAGEMENT

## PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, ~~(223)~~ \$249,849,000: *Provided, That \$500,000 shall be*

1 available until expended for carrying out the National  
 2 Summit Conference on Education Act of 1984  
 3 \$258,600,000, of which \$5,200,000 shall be available only  
 4 for additional staff and related expenses necessary to increase  
 5 the number of on-site student aid program reviews,  
 6 (224) and (225) of which \$5,600,000 shall be available  
 7 for necessary expenses of the National Student Loan Data  
 8 System upon enactment of amendments to section 485B of  
 9 the Higher Education Act which will decrease student loan  
 10 and default costs by more than the cost of the system on an  
 11 annual basis.

#### 12 OFFICE FOR CIVIL RIGHTS

13 For expenses necessary for the Office for Civil Rights,  
 14 as authorized by section 203 of the Department of Education  
 15 Organization Act, \$41,341,000.

#### 16 OFFICE OF THE INSPECTOR GENERAL

17 For expenses necessary for the Office of the Inspector  
 18 General, as authorized by section 212 of the Department of  
 19 Education Organization Act, (226) ~~\$17,911,000~~  
 20 \$18,400,000.

#### 21 GENERAL PROVISIONS

22 SEC. 301. None of the funds appropriated by this title  
 23 for grants-in-aid of State agencies to cover, in whole or in  
 24 part, the costs of operation of said agencies, including the  
 25 salaries and expenses of officers and employees of said agen-  
 26 cies, shall be withheld from the said agencies of any State

1 which have established by legislative enactment and have in  
2 operation a merit system and classification and compensation  
3 plan covering the selection, tenure in office, and compensa-  
4 tion of their employees, because of any disapproval of their  
5 personnel or the manner of their selection by the agencies  
6 of the said States, or the rates of pay of said officers or  
7 employees.

8 SEC. 302. Funds appropriated in this Act to the Ameri-  
9 can Printing House for the Blind, Howard University, the  
10 National Technical Institute for the Deaf, and Gallaudet  
11 University shall be subject to audit by the Secretary of  
12 Education.

13 SEC. 303. No part of the funds contained in this title  
14 may be used to force any school or school district which is  
15 desegregated as that term is defined in title IV of the Civil  
16 Rights Act of 1964, Public Law 88-352, to take any action  
17 to force the busing of students; to force on account of race,  
18 creed or color the abolishment of any school so desegregated;  
19 or to force the transfer or assignment of any student attend-  
20 ing any elementary or secondary school so desegregated to or  
21 from a particular school over the protest of his or her parents  
22 or parent.

23 SEC. 304. (a) No part of the funds contained in this title  
24 shall be used to force any school or school district which is  
25 desegregated as that term is defined in title IV of the Civil

1 Rights Act of 1964, Public Law 88-352, to take any action  
2 to force the busing of students; to require the abolishment of  
3 any school so desegregated; or to force on account of race,  
4 creed or color the transfer of students to or from a particular  
5 school so desegregated as a condition precedent to obtaining  
6 Federal funds otherwise available to any State, school district  
7 or school.

8 (b) No funds appropriated in this Act may be used for  
9 the transportation of students or teachers (or for the purchase  
10 of equipment for such transportation) in order to overcome  
11 racial imbalance in any school or school system, or for the  
12 transportation of students or teachers (or for the purchase of  
13 equipment for such transportation) in order to carry out a  
14 plan of racial desegregation of any school or school system.

15 SEC. 305. None of the funds contained in this Act shall  
16 be used to require, directly or indirectly, the transportation of  
17 any student to a school other than the school which is nearest  
18 the student's home, except for a student requiring special  
19 education, to the school offering such special education, in  
20 order to comply with title VI of the Civil Rights Act of 1964.  
21 For the purpose of this section an indirect requirement of  
22 transportation of students includes the transportation of stu-  
23 dents to carry out a plan involving the reorganization of the  
24 grade structure of schools, the pairing of schools, or the clus-  
25 tering of schools, or any combination of grade restructuring,

1 pairing or clustering. The prohibition described in this section  
 2 does not include the establishment of magnet schools.

3 SEC. 306. No funds appropriated under this Act may be  
 4 used to prevent the implementation of programs of voluntary  
 5 prayer and meditation in the public schools.

6 This title may be cited as the "Department of Educa-  
 7 tion Appropriations Act, 1989".

## 8 TITLE IV—RELATED AGENCIES

### 9 ACTION

#### 10 OPERATING EXPENSES

11 For expenses necessary for Action to carry out the pro-  
 12 visions of the Domestic Volunteer Service Act of 1973, as  
 13 amended, ~~(227) \$168,862,000~~ \$171,897,000.

#### 14 ~~(228)~~ CORPORATION FOR PUBLIC BROADCASTING

15 *For payment to the Corporation for Public Broadcast-*  
 16 *ing, as authorized by the Communications Act of 1934, an*  
 17 *amount which shall be available within limitations specified*  
 18 *by that Act, for the fiscal year 1991, \$302,500,000 of which*  
 19 *\$57,500,000 shall be available for section 396(k)(10) of said*  
 20 *Act: Provided, That no funds made available to the Corpora-*  
 21 *tion for Public Broadcasting by this Act shall be used to pay*  
 22 *for receptions, parties, or similar forms of entertainment for*  
 23 *Government officials or employees: Provided further, That*  
 24 *none of the funds contained in this paragraph shall be avail-*  
 25 *able or used to aid or support any program or activity from*



1 *which any person is excluded, or is denied benefits, or is*  
 2 *discriminated against, on the basis of race, color, national*  
 3 *origin, religion, or sex: Provided further, That funds provid-*  
 4 *ed herein for fiscal year 1991 shall be available pending*  
 5 *authorization.*

6 **(229) COMMISSION ON RAILROAD RETIREMENT REFORM**

7       For necessary expenses of the Commission on Railroad  
 8 Retirement Reform established by section 9033 of the Omni-  
 9 bus Budget Reconciliation Act of 1987 (Public Law 100-  
 10 203), \$1,000,000, which shall remain available until  
 11 expended.

12       FEDERAL MEDIATION AND CONCILIATION SERVICE

13                       SALARIES AND EXPENSES

14       For expenses necessary for the Federal Mediation and  
 15 Conciliation Service to carry out the functions vested in it by  
 16 the Labor-Management Relations Act, 1947 (29 U.S.C.  
 17 171-180, 182), including expenses of the Labor-Management  
 18 Panel and boards of inquiry appointed by the President, hire  
 19 of passenger motor vehicles, and rental of conference rooms  
 20 in the District of Columbia; and for expenses necessary pur-  
 21 suant to Public Law 93-360 for mandatory mediation in  
 22 health care industry negotiation disputes and for convening  
 23 factfinding boards of inquiry appointed by the Director in the  
 24 health care industry; and for expenses necessary for the  
 25 Labor-Management Cooperation Act of 1978 (29 U.S.C.

1 125a); and for expenses necessary for the Service to carry  
 2 out the functions vested in it by the Civil Service Reform  
 3 Act, Public Law 95-454 (5 U.S.C. chapter 71),  
 4 **(230)** ~~\$26,127,000~~ \$24,937,000.

5 FEDERAL MINE SAFETY AND HEALTH REVIEW

6 COMMISSION

7 SALARIES AND EXPENSES

8 For expenses necessary for the Federal Mine Safety  
 9 and Health Review Commission (30 U.S.C. 801 et seq.),  
 10 \$4,079,000.

11 **(231)** NATIONAL COMMISSION ON CHILDREN

12 *For necessary expenses of the National Commission on*  
 13 *Children established by section 9136 of the Omnibus Recon-*  
 14 *ciliation Act of 1987, Public Law 100-203, \$800,000,*  
 15 *which shall remain available until expended.*

16 **(232)** NATIONAL COMMISSION TO PREVENT INFANT

17 MORTALITY

18 *For necessary expenses of the National Commission to*  
 19 *Prevent Infant Mortality, established by section 203 of the*  
 20 *National Commission to Prevent Infant Mortality Act of*  
 21 *1986, Public Law 99-660, \$500,000, which shall remain*  
 22 *available until expended. Notwithstanding any other provi-*  
 23 *sion of law, the Commission shall be composed of sixteen*  
 24 *members, including seven at large members. Furthermore,*  
 25 *the Commission has the power to accept voluntary and un-*

1 *compensated services, notwithstanding section 1342 of title*  
 2 *31, and shall continue operating, notwithstanding sections*  
 3 *208 and 209 of Public Law 99-660.*

4 NATIONAL COMMISSION ON LIBRARIES AND  
 5 INFORMATION SCIENCE  
 6 SALARIES AND EXPENSES

7 For necessary expenses for the National Commission on  
 8 Libraries and Information Science, established by the Act of  
 9 July 20, 1970 (Public Law 91-345), \$750,000.

10 NATIONAL COMMISSION ON MIGRANT EDUCATION

11 For necessary expenses of the National Commission on  
 12 Migrant Education established by section 1439 of Public Law  
 13 100-297, ~~(233)~~ \$2,000,000 \$1,000,000, which shall  
 14 remain available until expended.

15 ~~(234)~~ NATIONAL COMMISSION ON RESPONSIBILITIES  
 16 FOR FINANCING POSTSECONDARY EDUCATION

17 For necessary expenses of the National Commission on  
 18 Responsibilities for Financing Postsecondary Education es-  
 19 tablished by section ~~1321~~ of the Higher Education Amend-  
 20 ments of 1986 (Public Law ~~99-498~~), \$800,000, which shall  
 21 remain available until expended.

## 1 NATIONAL COUNCIL ON THE HANDICAPPED

## 2 SALARIES AND EXPENSES

3 For expenses necessary for the National Council on the  
4 Handicapped as authorized by section 405 of the Rehabilita-  
5 tion Act of 1973, as amended, ~~(235) \$974,000~~ \$1,174,000.

## 6 NATIONAL LABOR RELATIONS BOARD

## 7 SALARIES AND EXPENSES

8 For expenses necessary for the National Labor Rela-  
9 tions Board to carry out the functions vested in it by the  
10 Labor-Management Relations Act, 1947, as amended (29  
11 U.S.C. 141-167), and other laws, \$138,647,000: *Provided,*  
12 That no part of this appropriation shall be available to orga-  
13 nize or assist in organizing agricultural laborers or used in  
14 connection with investigations, hearings, directives, or orders  
15 concerning bargaining units composed of agricultural laborers  
16 as referred to in section 2(3) of the Act of July 5, 1935 (29  
17 U.S.C. 152), and as amended by the Labor-Management Re-  
18 lations Act, 1947, as amended, and as defined in section 3(f)  
19 of the Act of June 25, 1938 (29 U.S.C. 203), and including  
20 in said definition employees engaged in the maintenance and  
21 operation of ditches, canals, reservoirs, and waterways when  
22 maintained or operated on a mutual, nonprofit basis and at  
23 least 95 per centum of the water stored or supplied thereby is  
24 used for farming purposes.

## 1 NATIONAL MEDIATION BOARD

## 2 SALARIES AND EXPENSES

3 For expenses necessary to carry out the provisions of  
4 the Railway Labor Act, as amended (45 U.S.C. 151-188),  
5 including emergency boards appointed by the President,  
6 \$6,551,000.

## 7 OCCUPATIONAL SAFETY AND HEALTH REVIEW

## 8 COMMISSION

## 9 SALARIES AND EXPENSES

10 For the expenses necessary for the Occupational Safety  
11 and Health Review Commission (29 U.S.C. 661),  
12 (236) ~~\$6,002,000~~ \$5,831,000.

## 13 PHYSICIAN PAYMENT REVIEW COMMISSION

## 14 SALARIES AND EXPENSES

15 For expenses necessary to carry out section 1845(a) of  
16 the Social Security Act, \$3,059,000, to be transferred to this  
17 appropriation from the Federal Supplementary Medical In-  
18 surance Trust Fund.

## 19 PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

## 20 SALARIES AND EXPENSES

21 For expenses necessary to carry out section 601 of  
22 Public Law 98-21, \$3,664,000, to be transferred to this ap-  
23 propriation from the Federal Hospital Insurance and the  
24 Federal Supplementary Medical Insurance Trust Funds.



1 RAILROAD RETIREMENT BOARD

2 DUAL BENEFITS PAYMENTS ACCOUNT

3 For payment to the Dual Benefits Payments Account,  
 4 authorized under section 15(d) of the Railroad Retirement  
 5 Act of 1974, \$355,000,000, ~~(237) which shall include~~  
 6 ~~amounts becoming available~~ of which \$28,000,000 shall be  
 7 available in fiscal year 1989 pursuant to section 224(c)(1)(B)  
 8 of Public Law 98-76: *Provided*, That the total amount pro-  
 9 vided herein shall be credited to the account in 12 approxi-  
 10 mately equal amounts on the first day of each month in the  
 11 fiscal year.

12 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

13 ACCOUNTS

14 For payment to the accounts established in the Treasury  
 15 for the payment of benefits under the Railroad Retirement  
 16 Act for unnegotiated checks, \$3,100,000, to remain available  
 17 through September 30, 1990, which shall be the maximum  
 18 amount available for payments pursuant to section 417 of  
 19 Public Law 98-76.

20 LIMITATION ON ADMINISTRATION

21 For necessary expenses for the Railroad Retirement  
 22 Board, ~~(238) \$59,812,000~~ \$60,350,000, to be derived from  
 23 the railroad retirement accounts: *Provided*, ~~(239)~~ That such  
 24 portion of the foregoing amount as may be necessary shall be  
 25 available for payment of personnel compensation and benefits  
 26 for not less than 1,290 full-time equivalent employees: Pro-

1 *vided further*, That \$200,000 of the foregoing amount shall  
 2 be available only to the extent necessary to process work-  
 3 loads not anticipated in the budget estimates and after maxi-  
 4 mum absorption of the costs of such workloads within the  
 5 remainder of the existing limitation has been achieved: *Pro-*  
 6 *vided further*, That notwithstanding any other provision of  
 7 law, no portion of this limitation shall be available for pay-  
 8 ments of standard level user charges pursuant to section  
 9 210(j) of the Federal Property and Administrative Services  
 10 Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C.  
 11 228a-4).

#### 12 LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE

##### 13 ADMINISTRATION FUND

14 For further expenses necessary for the Railroad Retire-  
 15 ment Board, for administration of the Railroad Unemploy-  
 16 ment Insurance Act, not less than ~~(240)\$13,678,000~~  
 17 \$13,950,000 shall be apportioned for fiscal year 1989 from  
 18 moneys credited to the railroad unemployment insurance ad-  
 19 ministration fund (241): *Provided, That such portion of the*  
 20 *foregoing amount as may be necessary shall be available for*  
 21 *the payment of personnel compensation and benefits for not*  
 22 *less than 310 full-time equivalent employees.*

##### 23 LIMITATION ON REVIEW ACTIVITY

24 For expenses necessary for the Railroad Retirement  
 25 Board for audit, investigatory and review activities, as au-  
 26 thorized by section 418 of Public Law 98-76, not more than

1    (242) ~~\$2,700,000~~ \$3,500,000, to be derived from the rail-  
 2    road retirement accounts and railroad unemployment insur-  
 3    ance account.

4                   SOLDIERS' AND AIRMEN'S HOME

5                   OPERATION AND MAINTENANCE

6       For maintenance and operation of the United States  
 7    Soldiers' and Airmen's Home, to be paid from the Soldiers'  
 8    and Airmen's Home permanent fund, (243) ~~\$37,657,000~~  
 9    \$37,700,000: *Provided*, That this appropriation shall not be  
 10   available for the payment of hospitalization of members of  
 11   the Home in United States Army hospitals at rates in  
 12   excess of those prescribed by the Secretary of the Army  
 13   upon recommendation of the Board of Commissioners and  
 14   the Surgeon General of the Army.

15                  CAPITAL OUTLAY

16       For construction and renovation of the physical plant,  
 17   to be paid from the Soldiers' and Airmen's Home perma-  
 18   nent fund, \$15,000,000, to remain available until expended  
 19   (244): *Provided further, That funds provided under this*  
 20   *paragraph as well as \$15,000,000 provided for Capital*  
 21   *Outlay in Public Law 100-202 shall, immediately upon*  
 22   *enactment of this Act, be made available for the construction*  
 23   *of a 200-bed Intermediate Care Facility on the grounds of*  
 24   *the LaGarde building.*

1     **(245)** *UNITED STATES BIPARTISAN COMMISSION ON*  
2                     *COMPREHENSIVE HEALTH CARE*

3         *For necessary expenses of the United States Bipartisan*  
4     *Commission on Comprehensive Health Care established by*  
5     *section 401 of the Medicare Catastrophic Coverage Act of*  
6     *1988, H.R. 2470, as passed the Senate on June 8, 1988,*  
7     *\$1,046,000, which shall remain available until expended.*

8         **(246)** *UNITED STATES INSTITUTE OF PEACE*  
9                     *OPERATING EXPENSES*

10        *For necessary expenses of the United States Institute of*  
11     *Peace as authorized in the United States Institute of Peace*  
12     *Act, \$8,000,000.*

13                 **TITLE V—GENERAL PROVISIONS**

14         **SEC. 501.** The expenditure of any appropriation under  
15     this Act for any consulting service through procurement con-  
16     tract, pursuant to 5 U.S.C. 3109, shall be limited to those  
17     contracts where such expenditures are a matter of public  
18     record and available for public inspection, except where oth-  
19     erwise provided under existing law, or under existing Execu-  
20     tive order issued pursuant to existing law.

21         **SEC. 502.** No part of any appropriation contained in this  
22     Act shall be expended by an executive agency, as referred to  
23     in the Office of Federal Procurement Policy Act (41 U.S.C.  
24     401 et seq.), pursuant to any obligation for services by con-  
25     tract, unless such executive agency has awarded and entered

1 into such contract in full compliance with such Act and regu-  
2 lations promulgated thereunder.

3 SEC. 503. Appropriations contained in this Act, avail-  
4 able for salaries and expenses, shall be available for services  
5 as authorized by 5 U.S.C. 3109 but at rates for individuals  
6 not to exceed the per diem rate equivalent to the rate for  
7 GS-18.

8 SEC. 504. Appropriations contained in this Act, avail-  
9 able for salaries and expenses, shall be available for uniforms  
10 or allowances therefor as authorized by law (5 U.S.C. 5901-  
11 5902).

12 SEC. 505. Appropriations contained in this Act, avail-  
13 able for salaries and expenses, shall be available for expenses  
14 of attendance at meetings which are concerned with the func-  
15 tions or activities for which the appropriation is made or  
16 which will contribute to improved conduct, supervision, or  
17 management of those functions or activities.

18 SEC. 506. No part of the funds appropriated under this  
19 Act shall be used to provide a loan, guarantee of a loan, a  
20 grant, the salary of or any remuneration whatever to any  
21 individual applying for admission, attending, employed by,  
22 teaching at, or doing research at an institution of higher edu-  
23 cation who has engaged in conduct on or after August 1,  
24 1969, which involves the use of (or the assistance to others in  
25 the use of) force or the threat of force or the seizure of prop-



1 erty under the control of an institution of higher education, to  
2 require or prevent the availability of certain curricula, or to  
3 prevent the faculty, administrative officials, or students in  
4 such institution from engaging in their duties or pursuing  
5 their studies at such institution.

6       SEC. 507. The Secretaries of Labor, Health and Human  
7 Services, and Education are authorized to transfer unexpended  
8 balances of prior appropriations to accounts corresponding  
9 to current appropriations provided in this Act: *Provided*,  
10 That such transferred balances are used for the same purpose,  
11 and for the same periods of time, for which they were  
12 originally appropriated.

13       SEC. 508. No part of any appropriation contained in this  
14 Act shall remain available for obligation beyond the current  
15 fiscal year unless expressly so provided herein.

16       SEC. 509. No part of any appropriation contained in this  
17 Act shall be used, other than for normal and recognized executive-  
18 legislative relationships, for publicity or propaganda  
19 purposes, for the preparation, distribution, or use of any kit,  
20 pamphlet, booklet, publication, radio, television, or film presentation  
21 designed to support or defeat legislation pending  
22 before the Congress, except in presentation to the Congress  
23 itself.

24       No part of any appropriation contained in this Act shall  
25 be used to pay the salary or expenses of any grant or con-

1 tract recipient, or agent acting for such recipient, related to  
2 any activity designed to influence legislation or appropria-  
3 tions pending before the Congress.

4       SEC. 510. The Secretaries of Labor, Health and Human  
5 Services, and Education are each authorized to make avail-  
6 able not to exceed \$7,500 from funds available for salaries  
7 and expenses under titles I, II, and III, respectively, for offi-  
8 cial reception and representation expenses; the Director of  
9 the Federal Mediation and Conciliation Service is authorized  
10 to make available for official reception and representation ex-  
11 penses not to exceed \$2,500 from the funds available for  
12 "Salaries and expenses, Federal Mediation and Conciliation  
13 Service"; and the Chairman of the National Mediation Board  
14 is authorized to make available for official reception and rep-  
15 resentation expenses not to exceed \$2,500 from funds avail-  
16 able for "Salaries and expenses, National Mediation Board".

17       SEC. 511. None of the funds appropriated by this Act  
18 shall be used to pay for any research program or project or  
19 any program, project, or course which is of an experimental  
20 nature, or any other activity involving human participants,  
21 which is determined by the Secretary or a court of competent  
22 jurisdiction to present a danger to the physical, mental, or  
23 emotional well-being of a participant or subject of such pro-  
24 gram, project, or course, without the written, informed con-  
25 sent of each participant or subject, or a participant's parents

1 or legal guardian, if such participant or subject is under  
2 eighteen years of age. The Secretary shall adopt appropriate  
3 regulations respecting this section.

4       SEC. 512. In administering funds made available under  
5 this Act for research relating to the treatment of AIDS, the  
6 National Institutes of Health shall take all possible steps to  
7 ensure that all experimental drugs for the treatment of  
8 AIDS, particularly antivirals and immunomodulators, that  
9 have shown some effectiveness in treating individuals infect-  
10 ed with the human immunodeficiency virus are tested in clini-  
11 cal trials as expeditiously as possible and with as many sub-  
12 jects as is scientifically acceptable.

13       ~~(247) SEC. 512. No funds appropriated under this Act~~  
14 ~~shall be expended in any workplace that is not free of illegal~~  
15 ~~use or possession of controlled substances which is made~~  
16 ~~known to the Federal entity or official to which funds are~~  
17 ~~appropriated under this Act. Pursuant to this section an ap-~~  
18 ~~plicant for funds to be appropriated under this Act shall be~~  
19 ~~ineligible to receive such funds if such applicant fails to in-~~  
20 ~~clude in its application an assurance that it has, and will~~  
21 ~~administer in good faith, a policy designed to ensure that all~~  
22 ~~of its workplaces are free from the illegal use, possession, or~~  
23 ~~distribution of controlled substances by its employees.~~

1       **(248)** *SEC. 513. Such sums as may be necessary for*  
 2 *fiscal year 1989 pay raises for programs funded by this Act*  
 3 *shall be absorbed within the levels appropriated in this Act.*

4       **(249)** *SEC. 514. (a) Subject to subsection (b), none of*  
 5 *the funds made available by this or any other Act may be*  
 6 *used by the Secretary of Labor to withdraw approval of the*  
 7 *California State occupational safety and health plan, or to*  
 8 *exercise exclusive Federal safety and health authority in the*  
 9 *State of California, under the Occupational Safety and*  
 10 *Health Act of 1970 (29 U.S.C. 651 et seq.).*

11       *(b) The prohibition established in subsection (a) shall*  
 12 *apply until the California Supreme Court has rendered a*  
 13 *final disposition in the case of Ixta v. Rinaldi (Case No. 3*  
 14 *Civil C 002805).*

15       **(250)** *SEC. 515. (a)(1) Notwithstanding any other*  
 16 *provision of this Act, no department, agency, or instrumen-*  
 17 *tality of the United States Government receiving appropri-*  
 18 *ated funds under this Act for fiscal year 1989, shall, during*  
 19 *fiscal year 1989, obligate and expend funds for consulting*  
 20 *services involving management and professional services; spe-*  
 21 *cial studies and analyses; technical assistance; and manage-*  
 22 *ment review of program funded organizations; in excess of an*  
 23 *amount equal to 85 percent of the amount obligated and ex-*  
 24 *pended by such department, agency, or instrumentality for*  
 25 *such services during fiscal year 1987.*

1       (2) *Notwithstanding any other provision of this Act, no*  
2 *department, agency, or instrumentality of the United States*  
3 *Government receiving appropriated funds under this Act for*  
4 *fiscal year 1989, shall, during fiscal year 1989, obligate and*  
5 *expend funds for consulting services involving management*  
6 *and support services for research and development activities;*  
7 *engineering development and operational systems develop-*  
8 *ment; technical representatives; training; quality control, test-*  
9 *ing, and inspection services; specialized medical services; and*  
10 *public relations; in excess of an amount equal to 95 percent*  
11 *of the amount obligated and expended by such department,*  
12 *agency, or instrumentality for such services during fiscal*  
13 *year 1987.*

14       (b) *The Director of the Office of Management and*  
15 *Budget shall take such action as may be necessary, through*  
16 *budget instructions or otherwise, to direct each department,*  
17 *agency, and instrumentality of the United States to comply*  
18 *with the provisions of section 1114 of title 31, United States*  
19 *Code.*

20       (d) *As used in this section, the term "consulting serv-*  
21 *ices" includes any service within the definition of "Advisory*  
22 *and Assistance Services" in Office of Management and*  
23 *Budget Circular A-120, dated January 4, 1988.*

24       (c) *All savings to any department, agency, or instru-*  
25 *mentality which result from the application of subsection (a),*



1 *shall be used for the 4 percent increase in rates of pay in*  
 2 *such department, agency, or instrumentality made under this*  
 3 *Act.*

4       **(251)** *SEC. 516. It is the sense of the Senate that the*  
 5 *Senate conferees on this Act should in the conference report*  
 6 *on this Act appropriate and make available amounts equal to*  
 7 *\$39,800,000,000 in budget authority.*

8       **(252)** *SEC. 517. None of the funds appropriated under*  
 9 *this Act shall be used to perform an abortion on a woman for*  
 10 *the sole purpose of providing fetal organs or tissue for medi-*  
 11 *cal transplantation to any animal or person.*

12       **(253)** *SEC. 518. (a) None of the funds appropriated*  
 13 *under this Act shall be used to knowingly acquire, receive or*  
 14 *otherwise transfer any human (including that derived from a*  
 15 *fetus) organ or organ subpart for valuable consideration for*  
 16 *use in human or animal transplantation.*

17       *(b) None of the funds appropriated under this Act shall*  
 18 *be used to knowingly acquire, receive or otherwise transfer*  
 19 *any human organ or organ subpart derived from a fetus that*  
 20 *has been aborted for the sole purpose of medically transplant-*  
 21 *ing such organs or organ subparts to any animal or person.*

22       *(c) For purposes of subsection (a) and (b):*

23               *(1) The term "human organ" means the human*  
 24 *kidney, liver, heart, lung, pancreas, brain, bone*  
 25 *marrow, cornea, eye, bone, and skin and any other*

1        *human organ specified by the Secretary of Health and*  
2        *Human Services by regulation.*

3            (2) *The term "valuable consideration" does not*  
4        *include the reasonable payments associated with the re-*  
5        *moval, transportation, implantation, processing, preser-*  
6        *vation, quality control, and storage of a human organ*  
7        *or organ subpart, or the expenses of travel, housing*  
8        *and lost wages incurred by the donor of a human*  
9        *organ, or organ subpart in connection with the dona-*  
10       *tion of the organ or organ supart.*

11        (254) *SEC. 519. None of the funds appropriated under*  
12       *this Act shall be used to offer any inducement, monetary or*  
13       *otherwise, for a woman to have an abortion for purposes of*  
14       *providing fetal organs or tissue for medical transplantation to*  
15       *any animal or person.*

16        (255) *SEC. 520. None of the funds made available*  
17       *under this Act shall be used to waive the minimal risk stand-*  
18       *ard for fetal research.*

19        (256) *SEC. 521. When issuing statements, press re-*  
20       *leases, requests for proposals, bid solicitations, and other doc-*  
21       *uments describing projects or programs funded in whole or in*  
22       *part with Federal money, all grantees receiving Federal*  
23       *funds, including but not limited to State and local govern-*  
24       *ments, shall clearly state (1) the percentage of the total costs*  
25       *of the program or project shich will be financed with Federal*

1 money, and (2) the dollar amount of Federal funds for the  
2 project or program.

3 This Act may be cited as the "Departments of Labor,  
4 Health and Human Services, and Education, and Related  
5 Agencies Appropriations Act, 1989".

Passed the House of Representatives June 15, 1988.

Attest: DONNALD K. ANDERSON,  
*Clerk.*

Passed the Senate with amendments July 27 (legisla-  
tive day, July 26), 1988.

Attest: WALTER J. STEWART,  
*Secretary.*

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